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From:	Presidency
To:	Special Committee on Agriculture (SCA)
N° Cion doc.:	9645/18 + COR 1 + ADD 1 9556/18 + REV 1 (en, de, fr) + COR 1 9634/18 + COR1 + ADD1
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 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands

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The Annex to this document contains the Presidency's compilation of delegations' comments on the CAP reform texts.

CAP reform, the SCA meeting 6 September:

SPR – MS comments/questions (received before 31 July 2021)

Rec./ Art.	Issues/ Questions	MS, COMM
Rec. 7	Needs to be amended as to take into account the change in Article 4 from the trialogue.	COMM
Rec. 21	It should also include “animal health”, as it is in legal text (21) Building on the previous system of cross-compliance implemented until 2020, the system of new conditionality links full receipt of CAP support to the compliance by beneficiaries of basic standards concerning the environment, climate change, public health, animal health , plant health and animal welfare. ... It also aims to make the CAP more compatible with the expectations of society through improving consistency of the policy with the environment, public health, animal health , plant health and animal welfare objectives.	AT
Rec. 21 & 22	In the first line, the year 2020 is mentioned in relation to cross compliance. It should be 2022 as the new conditionality enters into force only from 2023 (the year 2022 is also referred to in recital 22).	FI
Rec. 22	The underlined sentence should be added (intact) as to be in line with Art. 12 (22) Member States may also define in addition other national standards related to the main objectives laid down in Annex III in order to improve the environmental and climate delivery of the GAEC framework. Given the existing practices under organic farming system, no further requirement will be applicable for organic farmer as regards crop rotation. ...	AT
	The text could refer more accurately to the content of Article 12. Therefore, the following precision (in yellow, bold) could be made to fourth sentence: “In order to implement the framework, Member States should define a national standard for each of the standards set at Union level taking into account, where relevant , the specific characteristics of the area concerned, including soil and climatic conditions, existing farming conditions, land use, farming practices and farm structures. such as farming practices, farm size and farm structures and the specificities of outermost regions. ” Also leguminous crops should be mentioned in the sixth sentence: “In addition for the standards on crop rotation and on minimum share of arable land for biodiversity, some exceptions may be considered by Member States to avoid excessive burden on smaller farms or to exclude some farms that already fulfil the objective of standards as a result of being covered to a significant extend by grassland or leguminous crops or fallow land.”	
Rec. 23	(Addition of „animal health“, because it is also in the legal text) (23) SMRs need to be fully implemented by Member States in order to become operational at farm level and ensure equal treatment of farmers. To ensure the consistency of the rules on conditionality in enhancing the sustainability of the policy, SMRs should encompass main Union legislation on environment, public health, animal health , plant health and animal welfare which implementation at national level imply precise obligations on individual farmers, including obligations under Council Directive 92/43/EEC and Directive 2009/147/EC of the European Parliament and of the Council or Council Directive 91/676/EEC. ...	AT
Rec. 25:	To add "cap or" as to differentiate between options 1 and 1a in Article 15:	AT

Rec./ Art.	Issues/ Questions	MS, COMM
	"In order to ensure a fairer distribution of income support, Member States should be allowed to cap or reduce the amounts of direct payments above a certain ceiling and the product should either be used for decoupled direct payments and in priority for the complementary redistributive income support for sustainability, or be transferred to the EAFRD.	
Rec. 26	Addition in Art. 18(2) (26) ... In order to enhance better targeting of this support, the payment amounts can be differentiated, by groups of territories, based on socio-economic and/or agronomic conditions, or reduced by taking into account support or other help interventions in the CAP Strategic Plan. In view of avoiding disruptive effects for farmers' income, Member States may choose to implement the basic income support for sustainability based on payment entitlements. ...	AT
Rec. 43:	Wrong definition ... Member States may also set in their CAP Strategic Plans preferential conditions for financial instruments for young farmers and new entrants farmers. ...	AT
Rec. 78a	Recital (78a) is in contradiction with the last sentence of Article 106 (2): „(78a) When assessing the proposed CAP Strategic Plans, as referred to in Article 106, the Commission should assess the consistency and contribution of the proposed CAP Strategic Plans to the Union’s environmental and climate legislation and commitments and, in particular, to the Union targets for 2030 set out in the Farm to Fork Strategy and the EU Biodiversity Strategy.” „Art. 106 (2) The approval shall exclusively be based on acts which are legally binding on Member States.”	HU
Rec. 78a	When assessing the CSP, Art. 106 does not only focus on environmental and climate contributions, hence we propose the following adaptation: When assessing the proposed CAP Strategic Plans, as referred to in Article 106, the Commission should assess the consistency and as well as the contribution of the proposed CAP Strategic Plans to the Union’s environmental and climate legislation and commitments and, in particular, to the Union targets for 2030 set out in the Farm to Fork Strategy and the EU Biodiversity Strategy.	AT
Art. 11a	A citation error in Art. 11a: 1. At the latest by 1/1/2025, Member States shall include in their CAP Strategic Plans that farmers and other beneficiaries receiving direct payments under Chapter II of this Title or the annual payments under Articles 65, 66 and 67 of this Regulation shall be subject to an administrative penalty if they do not comply with the requirements related to applicable working and employment conditions or employer obligations arising from the legal acts referred to in Annex XX XIV . 2. Where in line with national legal and collective bargaining frameworks, social partners are responsible for the implementation or enforcement of the acts referred to in Annex XX XIV , their rights and obligations shall not be affected by the system of administrative penalties to be included in the CAP Strategic Plans. 3. The rules on an effective and proportionate system of administrative penalties to be included in the CAP Strategic Plan shall respect the relevant requirements set out in Chapter XX IVa of Title IV of Regulation (EU) [HzR] 4. The legal acts referred to in Annex XX XIV concerning the provisions to be subject to the system of administrative penalties as referred in paragraph 1 shall apply in the version that is applicable, and as implemented by the Member States.	AT

Rec./ Art.	Issues/ Questions	MS, COMM
	<u>Section 2a Social conditionality</u> , Article 11a Principle and scope to be placed after Art. 12.	SI
Art. 15a	Article 15a sets a minimum requirements for obtaining the direct payments: it may be a minimum area or a minimum amount. If a MS chooses an area then for animal related couple support it may also set an amount threshold. Article 15a (1) is restricted only to animal-related <i>coupled</i> support and does not include other animal-related support such as a payment for animal welfare under echoschemes.	PL
Art 28(3)	The text still gives an impression that when the Member States establish the lists for eco-schemes they need to cover all four areas (climate, environment and animal welfare and antimicrobial resistance).	FI
Art. 30(1)	The wording has been changed: „Coupled income support may only be granted to the following sectors and productions or specific types of farming therein where these are important for <i>socioeconomic</i> or environmental reasons:” In the previous version of the text, it was „social, economic or environmental reasons”. In our opinion, it may lead to a different interpretation when assessing the difficulties and importance of certain sectors. A sector undergoing certain difficulties may be very important from either a social or an economic point of view. However, in our interpretation, the new form of the text, by using the word „socioeconomic”, refers to a combination of social and economic aspects. Clearly, it was not the intention of the co-legislators to narrow the possible room for manoeuvre. It is justified by the fact that the relevant recital uses the original wording („certain sectors and productions that are particularly important for social, economic or environmental reasons”). We would like to ask to correct by changing „socioeconomic” to „social, economic”.	HU
Art. 41(1)	"in particular" has to be deleted in the first sentences as to be in line with the text in 4C table.	SI
Art. 41b (2)	Reference error (j) implementation and management of third-country sanitary and phytosanitary requirements in the territory of the Union to facilitate access to third-country markets; ⊕ (k) communication actions aiming at raising awareness and informing consumers.	AT
Art 41c	The rewording of Art 99(h) has been correctly incorporated however the deletion of reference to point (h) of Art 99 in Art 41 has not been taken on board.	COMM
Article 44(7)	It needs to be reworded: 7. Member States shall ensure that: (aa) operational programmes include three or more actions linked to the objectives referred to in points (d) and (e) of Article 42 (e) and (f) of Article 41 a. (b) at least 2% of expenditure under operational programs covers the intervention linked to the objective referred to in point (e) of Article 42 (d) of Article 41 a;	HU

Rec./ Art.	Issues/ Questions	MS, COMM
Art 44(7)(aa)	It is not clear how paragraphs 7(a) and 7(aa) relate to each other. Given that the two paragraphs refer to different objectives (?), it appears that the three actions are an obligation in excess of the obligation of 15 % expenditure ratio. However, it can be understood that the 15 % expenditure must be complied with by carrying out at least three actions within the operational programme. In that regard, it is not clear what is meant by 'action'. The question also arises whether if at least 80 % of the members of the PO are subject to three agri-environment-climate or organic farming commitments provided for in Chapter IV of Title III, they will only comply with the three measures, or the 15 % expenditure ratio obligation as well, or if these commitments are considered as a single action, to what extent they can be taken into account for the purposes of meeting the 15 % expenditure ratio requirement. When considering these questions it should be taken into account that agri-environment-climate or organic farming commitments provided for in Chapter IV of Title III are paid by EAFRD, therefore they couldn't be part of the expenditures of Operational programs of the producer organisations paid by EAGF. On the basis of the question above we are asking the redaction of clear and applicable rules in the Regulation. <i>Art. 44 (7)</i> <i>Member States shall ensure that:</i> <i>(a) at least 15% of expenditure under operational programs covers the interventions linked to the objectives referred to in points (e) and (f) of Article 41a;</i> <i>(aa) operational programmes include three or more actions linked to the objectives referred to in points (d) and (e) of Article 42. Where at least 80% of the members of a producer organisation are subject to one or more identical agri-environment-climate or organic farming commitments provided for in Chapter IV of Title III of this Regulation, each of these commitments shall count as an action for the minimum of three referred to in this point.</i> <i>(b) at least 2% of expenditure under operational programs covers the intervention linked to the objective referred to in point (c) of Article 42</i>	HU, PL, ES
Art. 52	Types of interventions in the wine sector: there is the need to harmonize the terminology used for all interventions under this provision. The breakdown of interventions, operations, activities, actions has to be identical for the different interventions in the wine sector. In this way, the planning of the indicators and their reporting will follow a unified approach, as set out in Title VII (Monitoring, Reporting and Evaluation), Chapter II (Annual Performance Reports). This chapter uses the term "operation", which is not present in the texts of Art. 52, points g), ga) and gb), but is mentioned in point b). In the last paragraph of par. 1 of Art. 52 uses the term "measures", which does not correspond to the newly introduced term in the RSP - "interventions". Paragraph 2 of the same article states that Member States shall "within the chosen types of interventions, they shall specify interventions". The text needs to be clarified in order to make it clear which is the "type of intervention" and which is the "intervention" within the type of intervention. It should also be noted that some of the preamble texts still use the term "sectoral interventions" instead of the newly adopted terminology in Chapter III of Title III "types of interventions in certain sectors".	BG
Art. 56	Objectives in the olive oil and table olives sector: The Member States referred to in Article 82(4) shall pursue in the olive oil and table olives sector one or more of the objectives set out in points (a), (e) to (g) (h) and (j) of Article 41a.	IT

Rec./ Art.	Issues/ Questions	MS, COMM
Art. 57	Types of interventions in the olive oil and table olives sector 1. To pursue the objectives referred to in Article 56, the Member States referred to in Article 82(4) shall choose in their CAP Strategic Plans one or more of the types of interventions referred to in Article 60 <u>41.b</u> . Within the chosen types of intervention, they shall define interventions.	IT
Art. 69	Small farmers support - options	PL
Art. 69(2)(c)	Business start-ups: Is it possible to support business start-ups which are NOT part of local development strategies or not possible? What does it mean that the start-ups must be „related to” the LDS?	
Art. 69(2)(c)	Installation of young farmers, new farmers and rural business start-up in 2(c) „the business start-up of non-agricultural activities in rural areas related to the local development strategies.”: The reference to the new CPR is missing in case of the „local development strategies”. In Article 68 the reference is there but in Article 69 it is missing. The wording shall be consequently corrected accordingly.	HU
Art 71	- Point (b) of paragraph (8b) is contrary to point (d) of paragraph 1 and paragraph 3, since point (d) does not specify that only setting up of producer groups, producer organisations and interbranch organisations is eligible and in line with paragraph (3) the costs related all aspects of cooperation are eligible. However, under paragraph (8b) only the setting up of producer groups, producer organisations and interbranch organisations is eligible. - Point (b) of paragraph (8b) is contrary to paragraph (2), which states that existing organisations are eligible if they start a new activity. However, paragraph (8b) only allows for support the setting up of organisations and only for a period of five years from the date of recognition. - Point (b) of paragraph (8b) is contrary to paragraph (8), which states that aid may be granted for a period of seven years and for collective environment and climate actions for a longer period. However, paragraph (8b) authorises the granting of aid for a period of five years from the date of recognition. - Point (b) of paragraph (8b) is contrary to Article 77(1), according to which the payments provided for in this Chapter may be granted in any of the forms listed in Article 77(1). However, according to paragraph (8b), the aid is granted only in the form specified therein. - Point (b) of paragraph (8b) is contrary to the point d) of Paragraph (1) of article 158 of the regulation 1308/2013/EU which says that Member States may recognise interbranch organisations applying for such recognition, provided that they – with the exception of the cases laid down in Article 162, – do not, themselves, engage in production, processing or trade. However, paragraph (8b) authorises the granting of aid on the basis of the annual marketed production of the organisation. For the coherency of the paragraph (8b) with the rules above, we are asking the following adaptation of the text: <i>Article 71 Cooperation</i> <i>8b. Member States shall limit the support for:</i>	HU

Rec./ Art.	Issues/ Questions	MS, COMM
	(a) information and promotion actions for quality schemes to one or more rates not exceeding 70% of the eligible costs, (b) setting up of producer groups, or producer organisations or interbranch organisations to 10% of the annual marketed production of the group or organisation with a maximum of EUR 100 000 per year. The support shall be degressive and limited to the first five seven years following recognition.	
	The new CPR regulation (Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy) is published in the Official Journal of the European Union on 30th of June, 2021. It means that in the CAP Strategic Plan regulation the references in the text have to be revised accordingly in particular in case of the LEADER and the community led local development. The „Article 26 [CPR]” and „Article 25 of Regulation (EU) [CPR]” and „Article 28(1)(a) [CPR]” and „Article 28(1)(b) and (c) [CPR]” shall not be used in the text because they not relevant articles anymore. From the new CPR the „Article 31 - Community-led local development” and „Article 32 - Community-led local development strategies” shall be mentioned in the text.	HU
Art. 85(1), row 889	Does it mean that TA can not be co-financed with EU and national money?	PL
Art 86(6a)	Translating the „floor” mechanism into the legal text. The political compromise was in itself a bit contradictory, because on the one hand it promised a full use of unused amounts in 2023 and 2024 (between 20% and 25%), within the margins of the maximum unit amounts, without a compensation obligation. On the other hand, it stipulates a compensation obligation for half of the 5% yearly „floor” (10% altogether in 2023 and 2024). It means in practice, that the „floor” does not operate between 20-25%, but only between 22,5-25%. The Council agreed to it, because a further 2% flexibility was provided for 2025 and 2026, with an obligation to compensate later on. The proposed text correctly includes all the possible steps, creating however a monstre paragraph inside Art. 86. If our interpretation is correct and the „floor” is not 5% but 2,5% in 2023 and 2024, then the text could be made shorter and more understandable. It should clearly state in the fifth subparagraph of Art. 86 (6a) that the „floor” is 2,5% in the learning period. It would allow the deletion of the sixth and seventh subparagraphs. It could read as follows: <u>Fifth subparagraph:</u> <i>„Member States may, in calendar years 2023 and 2024, in accordance with Article 88(3), use an amount up to a threshold corresponding to 2,5% of the amounts set out in Annex VII for the respective calendar year, and reserved in accordance with this paragraph for the schemes for the climate, the environment and animal welfare referred to in Subsection 4 of Section 2 of Chapter II of Title III, to finance in that year other interventions referred to in Section 2 of Chapter II of Title III, provided that all possibilities to use the funds for the schemes for the climate, the environment and animal welfare have been exhausted.</i> As well, sixth and seventh subparagraph to be deleted.	HU

Rec./ Art.	Issues/ Questions	MS, COMM
Art 107(7) 2nd subparagraph	Missing reference: <i>„A request for amendment of the CAP Strategic Plan related to Article 15(3), Article 82(7), and Article 90(3) and Article 107a shall not count for the limitation laid down in the first subparagraph.”</i> The possible amendment of the CAP Strategic Plan as a result of the modification of Annex XI shall not be counted in respect of the limit laid down in Article 107 (7), therefore it should be listed in Article 107 (7) second subparagraph.	HU
Article 109 Point b):	Missing words: As a result of the amendments made by the co-legislators, Point b) misses the words „of requests for amendments”. Consequently, it has no content, it is unspecified that the submission of what the text is referring to. It should read as follows: <i>„(b) procedures and time limits for submission of requests for amendments to CAP Strategic Plans;</i>	HU
Art. 138	Missing reference: Paragraphs 2, 3 and 6 does not contain a reference to Article 15, however it has been changed from implementing to delegated in the very last minutes of the trilogues. Besides, Articles 11 and 28 does not contain any delegated provisions, so those should be deleted. It should read as follows: <i>„2. The power to adopt delegated acts referred to in Articles [4, 7, 12, 15, 32, 35, 36, 37, 41, 50, 78, 81, 83, 104, 109 and 141] shall be conferred on the Commission for a period of seven years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i> <i>3. The delegation of powers referred to in Articles [4, 7, 11, 12, 15, 28, 32, 35, 36, 37, 41, 50, 78, 81, 83, 94, 110, 120 and 141] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i> ... <i>6. A delegated act adopted pursuant to Articles [4, 7, 12, 15, 32, 35, 36, 37, 41, 50, 78, 81, 83, 104, 109 and 141] shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.”</i>	HU
Annex III	Numbering of SMRs has to be revised	SI
Annex III, GAEC 9	Minimum share of agricultural area devoted to non-productive features or areas:	SI

Rec./ Art.	Issues/ Questions	MS, COMM
	Is there a need for a amendment as to make it clearer that these three options are the options that a MS may to offer as mandatory to farmers?	

SPR – MS comments/questions (received after 31 July 2021)

General questions:

- Will there be further changes and clarifications to the SFC template Commission gave during the summer. When will the final SFC be opened for the Member States?
- Could the Commission give some additional information about the timing and content of the delegated and implementing acts?

Art.	Question	MS
4(1) (a)	Definition of agricultural activity “Agricultural activity” may now also serve the provision of public goods, even though this does not become sufficiently clear in the following two indents (which essentially correspond to the text of the COM draft): in what way does the Commission plan to take this aspect into account? Could this, for instance, translate into a “more nature conservation friendly” interpretation of the definition of permanent grassland (cf. the second indent of sentence three of (a) (iii))?	DE
4(1)(b)	'agricultural activity' - Shall the definition of "agricultural area" cover all possible areas which are eligible for all CAP SP interventions including agri-environmental schemes? Where should "agricultural land" for Art.65 interventions, in case when eligible area is also “Agricultural land beyond agricultural area” as set out in the Strategic plan template be defined? Shall we provide some exemptions in the "agricultural area" definition regarding separate areas which would not be eligible for direct payments but could be eligible under agri-environmental schemes since environment and climate measures are implemented there? In a similar way for definition of agricultural activity - where should those exemptions related with agri-environmental commitments which go beyond baseline be described?	LV
4(1)(b)(iii)	permanent grassland What is meant with “not reseeded with different types of grasses”? Does it mean “different species of grasses”? Land used to grow grasses or other herbaceous forage is not considered permanent grassland, among others, if it is land “that has not been..., or not reseeded with different types of grasses, for five years or more”. We would like to know from the Commission whether the phrase “different types of grasses” does not actually refer to “different types of grasses or other herbaceous forage”. This is crucial for Germany as the typical crops used for crop rotation are e. g. ley grass (grass only) and clover grass (mixture of grass and clover). We would therefore like to know whether the text could be amended accordingly before the different language versions are being sent out. Should this no longer be possible, the question arises as to whether the Member States may interpret the text in such way. Alternatively may the Member States define the term of “crop rotation” in such way at national level, without drawing up a regulation on “different types of grasses”?	FI DE

	Annex III: Are the three scenarios specified in GAEC 9 (in future GAEC 8?) optional for the Member States, i. e. may a Member State, for example, also decide to exclusively make use of option 1? In the Strategic Plan Regulation, Article 12 stipulating requirements relating to the good agricultural and environmental condition of areas is included in Section 2a, i.e. social conditionality. We would like to know from the Commission whether Article 12 will be included in Section 2 – Conditionality. With the Working Paper WK 4475/2019 INIT, in March 2019 the Commission presented Fiches on GAECs. Does the Commission intend to draft an updated version of these fiches and to discuss it with the Member States? If so, is there already a timetable for this? Conditionality, Annex III: no remarks, except on GAEC 4. Indeed, the significant ditches and the application of buffer strips or grass strips are novelties. According to our interpretation, the continuity of the current GAEC on rivers and the consideration of ditches as a river or not is in the hands of the Member States. This should be confirmed by COM.	DE DE DE BE
11a	Social dimension (SPR 11a ja HZR 87a,b,c) Could the Commission organise an expert meeting on the social dimension where these Articles could be discussed more in detail?	FI
13 and Recital 24	Would only written material on social conditionality in farm advisory services be sufficient? (See Recital 24 vs. Article 13(faa)) <u>Farm advisory services:</u> Given the requirement for all advisors to be integrated into AKIS, it is possible to finance from the financial allocation for advisory and training services to provide technical assistance to advisors <u>for types of services, such as:</u> • Innovation support services — “Innovation Hub”; • Farm accountancy services to help farmers, etc.	FI RO
15a	Minimum requirements This Article concerns the minimum requirements that Member States should establish for farmers applying for direct payments. In addition to the area threshold, it was indicated that Member States may also set an amount threshold. Pursuant to Article 15a(3) this amount threshold applies to farmers receiving an animal-related coupled support. However this provision does not cover other animal-related support such, as for example, animal welfare payments under eco-schemes (Article 28). Taking into account that during the work on the provisions of the new CAP it was allowed to apply payments for animal welfare under Article 28, PL would like to notice that the provisions of Art. 15a(3) are not adapted to this situation. In the opinion of PL, it is justified to eliminate the current inaccuracy. Proposal for amendment: <i>„Where a Member State has decided to set a minimum area in accordance with the first subparagraph, it shall nevertheless set a minimum amount in accordance with the second subparagraph for those farmers receiving an animal-related coupled support who hold fewer hectares than that minimum area.”</i>	PL
18(2)	Please provide clarification and examples in which cases the amount of ISIP per hectare may be reduced in accordance of last sentence of Article 18(2)	LV
26 (1)	Complementary redistributive income support for sustainability	SK

	how should the mechanism be applied in practice, according to which the MS may address the need of redistribution of income support by other instruments and interventions? Which alternative ways of redistribution exist in this context? Can redistributive payment be differentiated taking into account the same conditions as under Article 18(2)? Is it possible to differentiate the amount of CRISS in the case if MS decides not to differentiate the amount of the BISS?	LV
27	Complementary income support for young farmers is it in compliance with Article 27 (2) if the setting-up of the holding during the five years preceding the first submission of the aid application is also considered as the first setting-up of the holding?	SK
28 (4)	Schemes for the climate, the environment and animal welfare how and to what extent should the MS demonstrate in their CAP Strategic Plan that the given eco-scheme covers at least two areas of actions for the climate, the environment, animal welfare and antimicrobial resistance?	SK
28(5a)	We would like to ask clarification of Article 28(5a). In the first subparagraph, it is said: <i>“provided that the obligations of the eco-schemes go beyond the relevant statutory management requirements and the minimum standards for good agricultural and environmental condition of land”</i>. However, based on Article 28(5), point (a) the eco-schemes shall always go beyond the relevant SMRs and GAEC standards. So what does <u>the first subparagraph</u> of Article 28(5a) mean? What added value does the first subparagraph give to the Member States compared to Article 28(5) point (a)? And what does <u>the second subparagraph</u> mean? Does this only mean that a GAEC standard over which a relevant eco-scheme has been set does not need to be checked separately, but is considered to be checked while the eco-scheme is controlled?	FI
28(5)(d)	The regulation stipulates that eco-schemes are different from commitments in respect of which payments are granted under Article 65. In the case of organic farming might it be considered as different: a top-up payment for environmentally friendly practices for organic farming which is green by definition and under Article 65 payment compensating loss of income and losses due to organic farming practices?	LV
28(6a)	Finland would like to thank the Commission for the answers concerning Article 28(6a) in the GREX meeting on 20 July. Could you give your answers also in the Q&A document, especially as regards “any other appropriate methodology”?	FI
29	Coupled income support in the context of coupled income support, e.g. in the vegetable sector, if the MS demonstrates that this is fully justified, is it possible to differentiate within one intervention the unit rate according to the way in which a particular type of vegetable is grown (e.g. field-grown tomatoes at the level of EUR 100/ha, tomatoes grown in greenhouses at the level of EUR 200/ha) or to differentiate within one intervention the rate according to a particular type of vegetable (e.g. tomatoes at the level of EUR 100/ha, peppers at the level of EUR 200/ha)?	SK
39, 44, 45 and 60a	a. Potatoes are in the section "other sectors" - what should be done in this case for a vegetable producer organization (PO) that also produces potatoes? Should the PO recognize for both products of Part 9 of Annex 1 of Regulation 1308/2013 and the potatoes included in Annex 13 of the SP Regulation? b. If there is a wish to set up an PO consisting of producers from dairy, beef and pigmeat sector and all these products are in the "other sectors" section, does the PO has to obtain separate recognition for milk, separate recognition for beef and separate recognition for pigmeat? Or, given that all these products are in the section "other products", can PO be recognized unitedly for all three sectors to form a cross-sectoral PO? Can the cross-sectoral PO elaborate a common and single operational program (incl. operational fund) for all sectors, or the PO must elaborate own	LV

	operational program (incl. operational fund) for each sector for which recognition is granted? This issue is particularly relevant for organic farming - organic producers are small farms and often specialize in a very specific sector. If they want to set up an PO that brings together organic producers from different sectors, will they also have to obtain recognition for each product? The European Commission's action plan for the development of organic production has highlighted organic producer organizations as one of the actions, at the same time there are a number of administrative obstacles. c. As regards the fruit and vegetable sector, the implementing and delegated regulations are currently in force. If and when are their revisions planned? Will implementing and delegated acts be amended regarding "other sectors" as well? If so, when does the European Commission intends to do so?	
44(7)	Provisions on environmental ringfencing for operational programmes in the fruit and vegetable sector In case of the environmental ringfencing for interventions in the fruit and vegetables sector, the compromise provided only for the general level of this ringfencing, i.e. 15% of expenditure under operational programmes. The compromise did not specify anything on the requirement to implement at least three environmentally-oriented activities within operational programmes, hence the provision in Article 44 (7) point aa) of the regulation on strategic plans is surprising. We consider that this part of the compromise transposition goes beyond agreed solutions.	PL
65(7) and Annex I	- In the case of organic farming under Article 65, may the aid be provided for a livestock unit or other units, considering that Annex I provides an indicator for other units in organic farming?	LV
68a	'Investments in irrigation': • By referring to paragraph 2, from a legal point of view, the whole article 68a only refers to irrigation with surface and groundwater and not to 'irrigation' with rainwater (f.e. drip irrigation with rainwater in a greenhouse with tomato plants with reuse of water is common practice in Belgium) • Obligation in paragraph 3: does this legally apply to all water sources or ground and surface water only? • From a legal point of view, Paragraph 4 (a): does this only apply to the use of groundwater and surface water only or does it also apply to the use of rainwater? [if answer yes, then this is not logical in relation to paragraph 5: if the irrigated area is expanded, clearly the obligations are only directed to surface and groundwater, this would mean that there are stricter obligations for existing irrigation installations with rainwater than for expansion?]	BE
69	Small viable farms have the potential to develop if they are helped to solve the problems that limit their development. It is necessary to continue supporting small farms for market orientation and increase their viability and sustainable development in order to access development resources under EAFRD grant support. In connection with the programming of grant aid to support the development of small agricultural holdings under Art. 69 of the Regulation on Strategic Plans, we would like to ask the Commission services to clarify whether it is admissible for small farmers to receive start-up support under Art. 69 of the Regulation on strategic plans, provided that small farms are not present in the latest version of the regulation.	BG
71	For Article 71, it is proposed that the same mention be made as in Art. 72.2, as regards whether it contributes to one or more of the specific objectives set out in Article 6 or to the cross-cutting objective referred to in Article 6:: "71.2. Member States may only grant support under this Article to promote new forms of cooperation, including existing ones if starting a new activity. The cooperation shall involve at least two actors and contribute to achieving one or more of the specific objectives set out in Article 6 or to the cross-cutting objective referred to in Article 6."	ES

<u>72</u>	In this new version we understand that the interventions of Art. 71 of AEI-Agri and Art. 72 can contribute to one or more of the specific objectives as well as to the cross-cutting one, so that this is clearly stated in the articles, Article 72 would have to be modified, which would read as follows: - art 72.2. Support under this Article may cover costs of any relevant action to promote innovation, training and advice as well as exchange and dissemination of knowledge and information, including through the drawing up and updating of plans and studies with the aim of knowledge exchange and spreading of information. Such actions shall contribute to achieving one or more of the specific objectives set out in Article 6(1) or to the cross-cutting objective referred to in Article 6.”	ES
<u>72</u>	<u>Knowledge exchange and information. (3):</u> Is the allocation of EUR 200,000 provided for in Article 72 (3) of the Reg. on Strategic Plans a national, regional allocation or total allocation/programme/action/year? Can it be multiplied? Will the funding be provided both to public and private services to advise farmers?	RO
86 (4) (3) and (4)	Reserved budgets for young farmers’ support: The Member States must use an amount at least equal to the minimum amount for measures to support young farmers set out in Annex X. To this effect, subparagraphs 3 and 4 of Article 86 (4) stipulate provisions on the (indirect) reservation of these amounts. Germany intends to use a higher sum in the Strategic Plan than the minimum amount for measures to support young farmers set out in Annex X. The specific plan is to earmark the full minimum amount according to Annex X as an indicative allocation for the complementary income support for young farmers and additional funds for EAFRD measures (Article 69 (2), increased investment support). However, the text in subparagraphs 3 and 4 of Article 86 (4) could also be understood in such a way that, according to these provisions, all funds earmarked by the Member State should be reserved, thus also the amounts exceeding the minimum budget specified in Annex X. As a result, further funds exceeding this minimum amount (up to the amount originally planned) could not be used for other direct payments or other EAFRD measures, if demand turns out to be lower than expected. We fail to understand this, because a total amount at least as high as the minimum amount set out in Annex X was spent. We would therefore like know what solution the Commission sees here. May the Member States identify in the Strategic Plan which of the total funds earmarked for the support of young farmers – and, if applicable, to what extent – should be considered as reserved funds to meet the minimum requirement according to Annex X? Is there also a possibility to subsequently change this allocation according to the actual utilisation of the different measures? From our point of view, this would be necessary to prevent the expiry of funds.	DE
86 (6a) (7), (8) and (10)	Compensation for unused funds for eco-schemes: Subject to certain conditions, the Member States must compensate unused minimum budgets for eco-schemes in the following years either by increasing the minimum budget for eco-schemes or by increasing the budget for specific EAFRD measures. The relevant provisions are set out in subparagraphs 7, 8 and 10 of Article 86 (6a). In subparagraph 7, the wording “and/or” is used,	DE

	while the other two subparagraphs state “or”. This means that in the case of subparagraph 7, a combination of both possibilities is obviously also permissible. We believe that a harmonised approach should be taken and that a combination of both possibilities should be permissible in all three cases. We would like to ask the Commission whether this is a drafting error and if the wording “and/or” should also be used in the other two subparagraphs. This change could also still be implemented before sending out the different language versions.	
86(6b)	Article 86 (6b) provides that at least 10% of the direct payment amounts shall be reserved annually for the CRISS. Does the amount of 10% shall include all expenditures for CRISS, including expenditures paid for first hectares in large holdings?	LV
89 (1a)	Planned unit amounts and planned outputs what are the limits for setting the minimum and maximum planned unit amounts?	SK
99	a) point (da) – it is required that only the corresponding RI for each intervention are indicated, is it intentional that is not required to indicate the planned value anywhere, as it is for the OI in point (f)? How, in the case of RI, will SFC2021 calculate the total values of the RI if they are not to be determined at intervention level? b) point (e) - Regarding Article 10 and Article 99(e) we would like to have COM explanation or guidelines what should be included in justification demonstrating that implemented interventions respect WTO green or blue box criteria.	LV
102, 103, 114	The inclusion of the cross-cutting objective has been moved from Art. 5 to the last paragraph of Article 6.1. To ensure the coherence of the regulation, the references in Article 5 to the cross-cutting objective should be corrected and replaced by Article 6, specifically in Articles 102, 103 and 114, which would then read as follows: - Art. 102: “The section on the elements that ensure modernisation of the CAP referred to in point (g) of Article 95(1) shall highlight the elements of the CAP Strategic Plan that support the modernisation of the agricultural sector and the CAP and shall contain in particular: (a) an overview of how the CAP Strategic Plan will contribute to the cross-cutting general objective related to fostering and sharing of knowledge, innovation and digitalisation in agriculture and rural areas and encouraging their uptake set out in Article 6, notably through.” - Art. 103 “For the general cross-cutting objective related to fostering and sharing of knowledge, innovation and digitalisation and encouraging their uptake set out in Article 6, the SWOT analysis shall also provide relevant information about the functioning of the AKIS and related structures. - Art. 114. 3. The EIP shall contribute to achieving the specific objectives set out in Article 6(1) or the cross-cutting objective referred to in Article 6”.	ES
107(7)	Amendment of the CAP Strategic Plan article 107(7) – in case a MS decides for the option provided in the art. 11a(1) and launches social conditionality system as from 1/1/2025, will the relevant conditions be included in the CAP SP as an amendment in the coming years not initially, and this amendment shall not count for the limitation laid down in the first subparagraph of Art.107(7)?	LV
110 (2) (c)	Obligations under conditionality: In accordance with Article 110 (2) (c), the managing authority must inform the beneficiaries of their obligations resulting from the conditionality. Does the Commission have plans for a provision under which the beneficiaries must also be informed of their obligations resulting from social conditionality?	DE
121(4b)	Annual performance reports article 121(4b) – examples on application of point 4b are necessary, providing information for the full circle – starting with planning the values in the CAP SP and concluding with reporting in the APR.	LV

140a	Why is the possibility of transfer limited to ecoschemes of the kind mentioned in art.28§6 b)? In addition to the fact that this is unmanageable from an administrative point of view, transferring to an ecoscheme with an ecosystemic character represents a more favourable development for the environment / biodiversity given that we account of the integrated effect of a set of elements. Moreover, we have few questions related to this: • Art. 88: in addition to the flexibility of 5% per year in 2023 and 2024, an additional paragraph has been added which states that the flexibility is limited to 2.5% on average in 2023 and 2024. This condition was not present before. • The wording of the first point of the GAEC 9 does not correspond to the explanation of the COM during the GREX of July 20, 2021. According to the COM, the Member States are free to choose among the options proposed, but on the basis of the current wording, it seems that Member States are more likely to have to offer all three options anyway.	BE
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CMO – MS comments/questions (received before 31 July 2021)

Recital/ Article	Issues/ Questions	MS
Recital 29	the word "ham" is "hem" instead of the correct "ham".	HU
(iv) in point (5a) (b)	(iv) point (h) is replaced by the following: ‘(h) areas to be newly planted in the framework of increasing the size of small and medium-sized vine holdings;’;	ES
(6a) on page 44 ((6a) Article 86 is replaced by the following:...),	We see some ambiguities regarding the text of the new article 86. Marketing standards were not supposed to be part of Amending Regulation and even the new wording does not allow the possibility of adopting such standards by the Commission. We are of the opinion that if marketing standards are to be included in this article, it should also be possible to adopt delegated or implemented acts for their regulation. At present, all articles with requirements on marketing standards have been removed from the text of REV1 without discussion among the delegations. Marketing standards do not fall under the optional reserved terms so we do not understand the logic of this change. This is why we expressed reservations at the SCA meeting on 23.7.2021.	
Article 1, (10) point last modification point	(Article 94. (b) (ii) first sentence): „The product specification may contain a description of the contribution of the designation of origin or geographical indication to sustainable development.” The results of the super trilogue (st10050.en21) do not contain this sentence. Hungary considers the issue of sustainable development to be important, but considers it premature to integrate it into this Regulation. Finalizing the text in its current form will, in our opinion, only lead to ambiguity and confusion for both applicants and national authorities assessing applications, given that sustainable development has several dimensions.	HU

Article 1 (22d)	In Article 151 of the CMO [Article 1 (22d) of the Amending Regulation] the following amendment is suggested: “(22d) Article 151 is amended as follows: paragraph 1 is replaced by the following: ‘From 1 April 2015, the first purchasers of raw milk shall declare to the competent national authority the quantity of raw milk and the quantity of organic raw milk that has been delivered to them each month and the average price paid for raw milk and organic raw milk. A distinction shall be made between organic and non-organic milk’; (b) paragraph 3 is replaced by the following: ‘Member States shall notify the Commission of the quantity and the price of raw milk and organic raw milk referred to in the first subparagraph.’; (...)”	AT
Article 1 (22n)	The amendment in paragraph 1 point c of Article 163 of the CMO [Article 1 (22n) of the Amending Regulation] is obviously intended to refer to the provisions of Article 157 paragraph 3 point a of the CMO.	AT
Article 22a	Interbranch agreements in la Reunion a paragraph coming from another EP amendment relating to Art. 30 (line 311 of the 4 column document) mistakenly appears in Art. 22a and needs to be deleted. For ease of reference, please find the full text herewith (with strikethrough for the part to be deleted).	EC
Article 6 Transitional provisions	3b. Recognised producer organisations or their associations in the fruit and vegetables sector having an operational programme as referred to in Article 33 of Regulation (EU) No 1308/2013 that has been approved by a Member State for a duration beyond 31 December 2022 shall, by 15 September 2022, submit a request to that Member State to the effect that its operational programme: (a) be modified to meet the requirements of this the CAP Strategic Plan Regulation; or (b) be replaced by a new operational programme approved under this the CAP Strategic Plan Regulation; or (c) continues to operate until its end under the conditions applicable under Regulation (EU) No 1308/2013. Where such recognised producer organisations or their associations do not submit such request by 15 September 2022, their operational programme approved under Regulation (EU) No 1308/2013 shall end on 31 December 2022.	ES. AT
Annex I	(28a) is amended as follows: (a) in Part I(a), the first and second rows (CN codes 0709 99 60 and 0712 90 19) are deleted; [...] (c) Part IX is amended as follows: [...] (ii) the entry in the eighth row (CN code ex 07 09) is replaced by: ‘Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, ex0709 60 99 of genus Pimenta, 0709 92 10, 0709 92 90 and 0709 99 60’; (d) in Part X, the exclusions for sweetcorn are deleted;	

Recital/ Article	Issues/ Questions	MS
Recital 57	the final sentence refers to “early warning system”. But I think we do not have that anymore? Article 86(2a) speaks about “awareness mechanism”?	FI
Recital 57a	the word “and” should be “on”: “The social conditionality mechanism should be based on the enforcement procedures that are carried out by the competent enforcement authorities or bodies responsible for controls on and working and employment conditions and applicable labour standards. Such enforcement procedures may take various forms depending on the national system. The outcome of the controls and the enforcement procedure should be communicated to the Paying Agencies along with a ranked assessment of the gravity of the breach of the legislation	FI
Recital 58	• (58) To ensure a level playing field between Member States and the effectiveness and dissuasive effect of the penalty system for conditionality as well as social conditionality, the Commission should be empowered to adopt delegated acts on the application and calculation of such penalties.	
Recital 66a	from a drafting point of view it is better to place 66a as of recital 70, where we start listing what information should be published in relation to CAP beneficiaries	EC
Art. 27(2)	Budget commitments • Delete subparagraphs 2 and 3, as they are already covered in subparagraph 1	
Art. 35	Eligibility of expenditure incurred by the paying agencies • (a) it has been effected in accordance with the applicable Union rules, or) is missing	
Art. 84(3) point d)	There is a new inclusion of a possibility to, where applicable, take account of participation in farm advisory services. We find it unclear what impact this has on the weighting factors. Does this mean that weighting factors shall apply when taking into account the participation of beneficiaries in the farm advisory services? Or does it mean that weighting factors shall be applied for risk analysis in general? We believe this could be clarified in the text.	SE
Art. 87a(1) subparagraph 2	• To that end Member States shall make use of their applicable control and enforcement systems in the field of social and employment legislation and applicable labour standards to ensure that beneficiaries of the aid referred to in Article 11a of Regulation (EU) .../... [CAP Strategic Plan Regulation] and in Chapter IV of Regulation (EU) No 228/2013 [outermost regions] and in Chapter IV of Regulation (EU) No 229/2013 [Aegean islands] respectively, comply with the obligations referred to in Annex XX XIV of Regulation (EU) .../...[CAP Strategic Plan Regulation].	AT
Art. 87b(1) subparagraph 1	Under the system referred to in Article 87a (1), first subparagraph, the paying agency shall be notified at least once per year of cases of non-compliance with the legislation referred therein where enforceable decisions in that respect have been made by the competent enforcement authorities or bodies referred to in Article 87a (2). This notification shall include an assessment and grading of the severity, extent, permanence or reoccurrence and intentionality of the non-compliance in question. Member States may make use of any applicable national grading system of labour sanctions in order to carry out such assessment. The notification to the paying agency shall respect the internal organisation, tasks and procedures of the competent enforcement authorities and bodies	AT
Art. 87c(1) subparagraph 2	For the calculation of those reductions and exclusions account shall be taken of the severity, extent, permanence or reoccurrence and intentionality of the non-compliance determined, in line with the assessment of the competent	AT

Recital/ Article	Issues/ Questions	MS
	enforcement authorities or bodies as provided for in Article XXb(1) 87a(2) . The penalties imposed shall be effective, dissuasive and proportionate.	
87.c	clarifications after the “De Ruiter judgement” it should have a clear reference to article 86 HzR and be valid for the entire konditionality. We presume it relates to article 86 as well as 87 a-b.	SE
86.4 and 87.c.2	The article 86.4 and 87.c.2 about delegated powers are exactly the same and we wonder if it would no be sufficient with one subparagraph here.	SE, AT
86.2 and 86.3	In both of these subparagraphs there is a reference to 1.a of the same article 86. However, there is no 86.1.a.	SE, EE, HU
Art. 99 (2)–	Processing and protection of personal data (add last part of the sentence) Where personal data are processed for monitoring and evaluation purposes under Regulation (EU) .../... [CAP Strategic Plan Regulation], and for statistical purposes, they shall be made anonymous and processed in aggregated form only.	AT

HZR – MS comments/questions (received after 31 July 2021)

Art.	Question	MS
	- What level of detail the Commission expects in the CAP-plan regarding controls and penalty system? - If there is need for changes concerning controls and penalties in the CAP-plan after the approval, is there a need to make a change to the CAP-plan?	FI
2	According to definition in Article 2 of HZR the whole Regulation (EU) 2018/1046 (Financial Regulation) is part of basic Union requirements. What does this mean for MSs concerning the part of Financial Regulation that is not useable for shared management?	FI
Title IV	<u>Provisions on controls and sanctions:</u> For which of the areas IACS, conditionality and social conditionality does the Commission intend to lay down further detailed provisions with regard to controls and sanctions in delegated and implementing acts, and when are these draft provisions expected to be presented?	DE
57 (2) (b)	<u>Detailed provisions on the identification of beneficiaries:</u> Will the Commission introduce detailed provisions on the identification of beneficiaries in accordance with Article 57 (2) (b)? If detailed provisions regarding Article 57 (2) (b) are planned, when is the Commission expected to present these detailed regulations?	DE
57 & 96	According to Article 96(1) of HZR MS shall ensure annual ex-post publication of the beneficiaries including, where applicable, the information on groups, as referred to in paragraph 2b of Article 57, as provided to them by those beneficiaries in accordance	FI

	with that paragraph. What is the role of PA to verify the information provided by the beneficiaries? Can the PA only publish the information received from the beneficiaries? • Does this concern only groups as defined in article 2 of Directive 2013/34/EU or all kinds of groups and companies? • What is then the exact delimitation of groups as defined in article 2 of Directive 2013/34/EU • How does the process of examination of complaints submitted to the Commission will work (Article 57(4) of HZR)? What is the estimated workload for MSs?	
58(1)	• According to Article 58(1) of HZR the relevant authority shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part. • Does this mean that the whole sample can be only risk-based when it covers the entire population and there is need to target the areas where the risk of errors is the highest?	FI
64(2)	What does the addendum to Article 64(2) of HZR concerning the geographic information systems (GIS) mean in practice?	FI
65(1)	According to the article "Data used for the area monitoring system may be stored as raw data on a server external to the competent authorities." We still think there is a need to further define "raw data" in this context. Is only the initial satellite image considered as raw data? Are higher data levels, such as sentinel coherence or amplitude tiles, considered as raw data? Could summary tables be accepted as raw data? It is important to get this clarification as soon as possible as we are currently preparing our IT-systems.	SE
68	Area monitoring system: We would like to get more detailed information on the meaning of "fully operational" by 1 January 2024 for AMS. We believe there will always be requirements that are not possible to monitor. Does the text in the article imply that Member States should not programme requirements that are not possible to monitor by AMS? Should AMS be compulsory for requirements that are possible to monitor even if this should be far from cost efficient because of the quality of satellite images? We believe the use of AMS is especially difficult for second pillar requirements	SE
70	We would like to get more detailed information on the meaning of the wording "Those checks shall be supplemented by on-the-spot checks, which may be executed remotely with the use of technology" in this article. Could satellite analysis be used to enhance the quality of the 5 % on-the-spot checks? Or are satellite images only to be used within the framework of the AMS?	SE
84	Control system for conditionality: Art. 84(2) point ba) Does a calculation of a higher administrative penalty because of reoccurrence, prerequisite that the beneficiary has been informed of a previous non-compliance and has had the possibility to take the necessary measures to remedy that previous non-compliance? I.e., is this status quo? Art. 84(3) point b) Does this mean that these checks can be used to fulfil the control ratio of 1 % in accordance with art. 84.3 d)?	SE
85	System of administrative penalties for conditionality Art. 85(1) first subpara Does it also allow Member States to make use of their existing systems for calculating and applying administrative penalties? Art. 85(2) c) ii) Could the COM mention an example of an order from a public authority? Also, what is the difference from exceptions included under the concept of exceptional circumstances?	SE

86	Application and calculation of the penalty Art. 86(1) second subpara What does it mean that for the calculation account shall be taken of the “permanence OR reoccurrence”. Could the COM give examples of when the former should replace the latter and the other way around? Art. 86(2a) first and second subpara Does this allow for the Member State to make use of the Early Warning System? If so, without retroactive administrative penalties in the case of reoccurrence? Art. 86(3) first subpara Does this cover all persisting and reoccurring non-compliances? Even those with no or only insignificant consequences for the achievement of the objective of the standard or requirement concerned? Does the term “justified reason” have an equivalence in the CAP regulations in force today? Or could the COM give examples of what could be referred to as “justified reason”.	SE
102 (1)	Article 102 (1) lays down a final provision repealing Regulation (EU) No 1306/2013, however, certain provisions of the Regulation continue to apply for a transitional period. This means, among other things, that the current provisions on cross-compliance continue to apply to rural commitments already made. The requirements and standards covered by conditionality are in certain respects significantly different from the requirements and standards covered by cross-compliance. Conditionality has, among other things, added rules from the current greening requirements and repealed cross-compliance requirements, which are related to registration and identification of livestock. These differences in the regulatory basis are expected to give rise to challenges in relation to on-the-spot checks, as the complexity of the regulatory framework increases during the transition period with rural commitments already made. In addition, the abolition of certain SMRs could be considered as an amendment of provisions imposing administrative penalties, which according to the Regulation on the protection of the financial interests of the EU means that the Member State cannot maintain a previous level of administrative penalties. These differences in the regulatory basis are expected to give rise to challenges in relation to on-the-spot checks, as the complexity of the regulatory framework increases during the transition period with rural commitments already made. In addition, the abolition of certain SMRs could be considered as an amendment of provisions imposing administrative penalties, which according to the Regulation on the protection of the financial interests of the EU means that the Member State cannot maintain a previous level of administrative penalties. Denmark finds it unfortunate that the final provision in the horizontal regulation (Article 102 (1)) does not address to the mentioned problem. The on-the-spot checks of aid applications can be simplified if all rural commitments can be included in the on-the-spot checks of conditionality. Can the Commission confirm that Member States may carry out the on-the-spot checks of existing rural commitment commitments by applying the requirements and standards covered by conditionality? Will this be included in the implementing acts?	DK