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WORKING PAPER

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Financial Agricultural Questions
Subject:	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 - Comments from the Romanian delegation

Delegations will find attached comments from the Romanian delegation on the voted EP amendments on the proposed Horizontal Regulation.

ANNEX

Proposed Horizontal Regulation: views of delegations on EP's amendments (doc. 12146/20)

Comments from Member State: [ROMANIA]

AM	Article	Acceptable	Not acceptable (explain why not)	Possibly acceptable subject to re-drafting (provide drafting suggestions)	Comments
272	2(1)b				We consider the Council General Approach text to be sufficient.
272	2(1)c & ca-cf				
39	3(1) -a (new)	yes			
40	3(1)a	yes			
41	3(1)a point a (new)	yes			
42	3(1)a point b (new)			We can agree with this, if there are details regarding the types of market conditions that seriously affect the farm	
43	3(1)b		no		We do not agree with the EP amendment. The expression Farm precinct is not appropriate considering that the precinct represents a (large) enclosed space inside a building, or the farm, in the broadest sense, is an agricultural holding. The text must include the 'accidental' provision
44	3(1)c	yes			The proposal completes the text

45	3(1)a (new)			Agree, but we think it would be more appropriate to apply at the area level, given that a farm can own land in different territorial areas.	
46	6(1)	yes			However is already mentioned in the Presidency compromise text 11604/20 from 9 October 2020
47	7(1)		Reference to Article 86(3) is not relevant here as Article 7 relates to technical assistance on the initiative of the Commission, whereas Art. 86(3) of CAP SP regulation concerns technical assistance at the Member States initiative.		
48	7(1)f				
49	7(1)h				
50	7 a (new)		no		It is in fact part of Article 9 of the Council Proposal - the general approach
273/rev	8		no		Romania considers the Council General Approach text 11604/20 from 9 October 2020 to be sufficient.
63	9				We support the Council proposal.
222	10 a (new)		No		It is in fact art 8 (4)
274	11				
74	12(1)				
75	12 a (new)				

76	14(1) sub 1		no		We have some reservations about this amendment, in conjunction with all the others referring to Article 14. It should also be linked to the July conclusions on the MFF.
77	14(1) sub 2		no		Preferably the Council proposal
78	14(1) sub 2 a (new)				
79 & 242	14(1) sub 3				
80	14(2) sub -1 (new)				
81	14(2) sub 1			The second paragraph can be accepted	We cannot agree with the 1,500,000,000 euro ceiling
82 & 244	14(2) sub 1 a (new)				
83	14(2) sub 2				
84 & 247	14(2) sub 3				
85	15(1) sub 1				
86	15(1) sub 1 a (new)				Agree with the threshold of 2000 euro, which is also included in the Council General Approach
87	19(6)				
88	22(2)				
89	22(4)				
90	23(1) point b				
91	23(1) point d				
92	23(2)				
93	29(1) sub 1 point a				
94	29(1) sub 1 point b				
95	29(3)				
96	29(4)				

97	30(1)				
98	30(4) point a				
99	31(1)				
100	31(3)				
101	32(1)				
102	32(3)				
103	32(4) sub 1 point a				
104	34(2)				
275	35				
109	37(2)				
110	37(3)				
276	38				
277	38 a (new)		no		We prefer the Council version
278	39				
279	39 a (new)				
224	40				
121	42(2) sub 2 point a				
122	42(3)				
123	43(2)				
124	44(1) sub 1				
125	44(1) sub 2				
126	45(1) sub 1				
127	46(1)			We agree with the amendment but the following phrase should be added: "The Commission shall inform the Member State of the reasons why it cannot rely on the activity of the certification body concerned."	
282	47				
132	48(3)				
280	51				
141	52				
281	53				
146	53 a (new				

147	54(1)				
148	54(1 a) (new)			Agree. It should be rephrased, instead of "instruct" with "establish the obligation"	
149	55(1) sub 1				
150	55(1) sub 2			Agree with the part that refers to the calculation of interest.	
151	55(1) sub 2 a (new)				
152	55(1) sub 2 b (new)				
226	57		no		We also cannot agree with the new complaint handling mechanism through which beneficiaries can address the Commission directly. There is already a mechanism at MS level to deal with complaints from beneficiaries of payments financed from the EU budget.
159	57 a (new)		no		The text of the amendment introduces a number of ambiguities in the way administrative statements are recognized and re-established -the date until which the administrative errors are recognized -the criteria according to which good faith is evaluated
160	58(1) sub 2			We agree with this amendment, noting that, in terms of risk-based sampling, the highest interests of the Union will be difficult for MS to determine. It should therefore be reworded, instead of "a risk-based one,	

				aimed at identifying areas where the risks to the Union's financial interests are greatest." it should be "One chosen on the basis of risks, which aims to identify the areas where the risks of error are highest."	
161	58(4) sub 1 point e				
162	62(3) point a				
163-179	IACS: Arts. 63-73				
	Amendment 163 Proposal for a regulation Article 63 – paragraph 4 – point c		no		We agree with the Council's proposal regarding the system for the identification or registration of pigs
	Amendment 164 Proposal for a regulation Article 63 – paragraph 4 – point f		no		We do not agree with the EP amendment. The preprinted form cannot be a system without payment requests. The Council's proposal on the automatic system is appropriate
	Amendment 166 Proposal for a regulation Article 64 – paragraph 2			The amendment proposes that GIS "allows the stratification of geospatial data on agricultural, cadastral or reference plots..." It should be reformulated as: "allows the stratification of geospatial data on agricultural parcels, cadastral if the Member State has such information..."	
	Amendment 169 Proposal for a regulation			Beneficiaries already have access to all reference and attribute data relating to the land they use. Therefore, we do not agree with the access to the reference data for the lands it intends to use.	

	Article 65 – paragraph 5 a (new)				
	Amendment 170 Proposal for a regulation Article 67 – paragraph 1		no		We do not agree with the amendment. The application form results after the beneficiary, based on the existing data in IACS, has expressed his options.
	Amendment 171 Proposal for a regulation Article 67 – paragraph 4 – subparagraph 1 a (new)		no		We do not agree with the amendment as the notion of a "no payment claim" system has been abandoned in the version of the regulation in the general approach. The formulation of an automatic application system [...] is much more appropriate.
	Amendment 175 Proposal for a regulation Article 70 – paragraph 1 a (new)			We can agree that the minimum control percentage should be provided in the basic Regulation. We believe that an acceptable level, at which the control rate can be reduced, should be provided for equal treatment throughout the EU.	
	Amendment 178 Proposal for a regulation Article 73 – paragraph 1 – point b	yes			
180	78(2)				
181	79				

182-202	Controls / penalties: Arts. 84-87				
	Amendments 183, 211cp1 and 283cp1 Proposal for a regulation Article 84 – paragraph 1 – subparagraph 1		no		We prefer the Council's proposal from the general approach
	Amendments 184, 211cp3 and 283cp3 Proposal for a regulation Article 84 – paragraph 2 – point b a (new)	yes			
	Amendments 187, 211cp3 and 283cp3 Proposal for a regulation Article 84 – paragraph 3 – point c a (new)		no		It is a complicated system, difficult to implement by MS in relation to the beneficiaries of payments
	Amendment 291 Proposal for a regulation Article 84 – paragraph 3 a (new)		no		We cannot agree with this level of the proposed control sample, from 1% to 5%

	Amendment 229 Proposal for a regulation Article 86, paragraph 3.		no		We cannot agree with the 10% percentage in case of reappearance non-compliance nor with the application of the concept of intent in conditionality. It is difficult to establish.
	Amendment 202 Proposal for a regulation Article 87 – paragraph 1	yes			
230	96(1)				
203	100 a (new)				
204	102(1) sub 2 point a				
205	103				