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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 Slovenian delegation

Delegations will find attached comments from the Slovenian 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: SLOVENIA

General comments on:

1. The Governance system (GS): the governance bodies as set out in Article 2 (definitions) are essential elements of GS. Proposed amendments would mean a change in the concept of GS.
2. The New delivery model: Slovenia opposes a system that combines the current and the new model, thus creating unnecessary administrative burdens and is therefore difficult to implement. At the same time, such a hybrid model is unacceptable from a financial and time point of view. The concept of the area monitoring system and the concept of on the spot checks are not compatible.
3. The EP uses the word "co-financing" instead of the word "contribution" in several articles. The term "EAFRD contribution" has always been used in CAP regulations.

AM	Article	Acceptable	Not acceptable (explain why not)	Possibly acceptable subject to re-drafting (provide drafting suggestions)	Comments
272	2(1)b	Acceptable			The proposed AM is already covered by the

		SI prefers to keep the wording of the Council's "general approach"			definition of the "basic Union requirements". SI is of the opinion, that this is an unnecessary emphasis of the elements of the "basic Union requirements".
272	2(1)c & ca-cf		Not acceptable		SI would like further clarification. We believe that this is an extension of obligations under Basic Union requirements.
39	3(1) -a (new)	Acceptable			
40	3(1)a	Acceptable			
41	3(1)a point a (new)	Acceptable			
42	3(1)a point b (new)	Acceptable			
43	3(1)b	Acceptable			
44	3(1)c	Acceptable			
45	3(1)a (new)	Acceptable			
46	6(1)				
47	7(1)	Acceptable			SI proposes to extend it to "governance bodies", which also includes CA and CB.

48	7(1)f	Acceptable			SI supports the inclusion of the principle of proportionality
49	7(1)h	Acceptable			
50	7 a (new)		Not acceptable As it is not in line with the Governance systems concept. The existence of a system of governance conditions the existence of the governance bodies as set out in Article 2 (definitions).		The amendment addresses a change in the concept of Governance Systems. Title II of the proposed Horizontal Regulation defines "Governance bodies" of which CA is a part. Governance is wider than management and it includes the CA in the governance bodies. SI supports point 1.d as it introduces the principle of proportionality and point 2.b as it supports promotion to exchange of best practices for the operation of governance systems between Member States.
273/rev	8		Not acceptable The proposed point 3.a of Article 8 is not acceptable in the part concerning reporting on impacts.		SI is of the opinion that impacts are long-term and can be reported only on the basis of evaluations or after a long period of time.

63	9		Not acceptable		Not in line with the Governance systems concept.
222	10 a (new)	Acceptable			
274	11	The proposed amendment to Article 11(2) is conditionally acceptable.			We would like further clarification regarding the necessary technical expertise required of the certification body and regarding ensuring the transparent availability of data and information.
74	12(1)				
75	12 a (new)		Not acceptable SI would like that the Commission is empowered to adopt implementing acts concerning the matters referred to in points c), d) and e) of Article 12(1) and in Article 12(2).		We would like further clarification.
76	14(1) sub 1	Acceptable			
77	14(1) sub 2	Acceptable			
78	14(1) sub 2	Acceptable			

	a (new)				
79 & 242	14(1) sub 3	Acceptable			
80	14(2) sub -1 (new)	The proposed amendment is conditionally acceptable.			We need further clarification regarding the agricultural crisis reserve ceiling.
81	14(2) sub 1	The proposed amendment is conditionally acceptable.			We need further clarification regarding the agricultural crisis reserve ceiling.
82 & 244	14(2) sub 1 a (new)	Acceptable			
83	14(2) sub 2	Acceptable			
84 & 247	14(2) sub 3	The proposed amendment is conditionally acceptable.			We need further clarification regarding the agricultural crisis reserve ceiling.
85	15(1) sub 1	Acceptable			
86	15(1) sub 1 a (new)	Acceptable			SI would like to add the last sentence of the second subparagraph of Article 15(1) of the general approach at the end: "For the purpose of this subparagraph, Article 15(2a) of Regulation (EU) No…/…

					[CAP Strategic Plan Regulation] shall apply mutatis mutandis.”.
87	19(6)	Acceptable			
88	22(2)		Not acceptable Not in line with the concept of the area monitoring system.		Inconsistent with point (e) of the same article.
89	22(4)		Not acceptable Not in line with the concept of the area monitoring system.		Inconsistent with point (e) of the same article.
90	23(1) point b	Acceptable			
91	23(1) point d	Acceptable			
92	23(2)	Acceptable			
93	29(1) sub 1 point a		Not acceptable		SI prefers the text of Council’s “general approach”
94	29(1) sub 1 point b		Not acceptable		SI prefers the text of Council’s “general approach”
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)		Not acceptable For reasons of clarity we suggest to use the wording of Council's "general approach" ("the same expenditure").		
275	35	The proposed amendment is conditionally acceptable.			We need further clarification regarding compliance with the eligibility rules.
109	37(2)	Acceptable			
110	37(3)	Acceptable			

276	38		Not acceptable		SI strongly supports the text of Council's "general approach"
277	38 a (new)		Not acceptable SI opposes the proposal that justification should be mandatory if the derogation exceeds 35%.		SI strongly supports the text of Council's "general approach" - in article 38 (2), where justification is needed if the derogation is more than 50%. At the stage of preparing the CAP strategic plans, it is not possible to accurately predict the size of the beneficiaries' applications.
278	39		Not acceptable 38 (1), (2) SI opposes the proposal that the justification must be mandatory if the deviation exceeds 25%		SI strongly supports the text of Council's "general approach" - from article 121 5b *CPR,* where the justification is necessary if the deviation is more than 45 or 35%. At the stage of preparing the CAP strategic plans, it is not possible to define the value of the result indicators in full detail. For several result indicators, determining the value is a big challenge because double counting is not allowed.
279	39 a (new)				We need further clarification.
224	40		Not acceptable We would like that the Commission is		

			empowered to adopt implementing acts concerning the elements of the action plans and the procedure for setting up the action plans.		
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)			Acceptable, but we would like to add the last sentence of Article 46 of the general approach at the end: “The Commission shall inform the Member State of the reasons why it	

				cannot rely on the work of the certification body concerned.”.	
282	47		Not acceptable SI understands that the Commission may audit compliance with the eligibility conditions.		We need further clarification regarding the expansion of the scope of checks (Union requirements).
132	48(3)				
280	51				
141	52				We need further clarification.
281	53		Not acceptable		We need further clarification as regards the consequences of the deletion of the second and third subparagraphs of Article 53(1). Additionally we would like that the Commission is empowered to adopt implementing acts (sixth and seventh paragraphs of Article 53).
146	53 a (new)	Acceptable			
147	54(1)	Acceptable			
148	54(1 a) (new)	Acceptable			

149	55(1) sub 1	Acceptable			
150	55(1) sub 2	Acceptable			
151	55(1) sub 2 a (new)	Acceptable			
152	55(1) sub 2 b (new)	Acceptable			
226	57	57 (1) The proposed amendment is conditionally acceptable.	57 (4) Not acceptable		We need further clarification regarding the complaints mechanism for beneficiaries.
159	57 a (new)		Not acceptable		
160	58(1) sub 2	Acceptable			SI supports it insofar as this only applies to measures that will be controlled on the basis of a sample.
161	58(4) sub 1 point e	Acceptable			
162	62(3) point a				
163-179	IACS: Arts. 63-73				
163	63 (4) c		Not acceptable		As it is not a unique system for all MSs.

164	63 (4) f	Acceptable			
165	64 (1) c		Not acceptable Not in line with the concept of the area monitoring system.		
166	64 (2)	Acceptable			
168	65 (1) sub 2	Acceptable			
169	65 (5) a (new)	Acceptable			
170	67 (1)	Acceptable			
171	67 (4) sub 1a (new)	Acceptable			
172	68(1)		Not acceptable Not in line with the concept of the area monitoring system.		However, we support a transitional period for implementation of area monitoring system.
173	68 (2) sub 1		Not acceptable Not in line with the concept of the area monitoring system.		

227	69 (1)	Acceptable			
174	70(1)		Not acceptable Not in line with the concept of the area monitoring system.		
175	70 (1) a (new)		Not acceptable Not in line with the concept of the area monitoring system.		
176	70 (2)	Acceptable			
178	73 (1) point b	Acceptable			
180	78(2)		Not acceptable		SI strongly supports the text of Council's "general approach" -deletion of point 2 of Article 78
181	79		Not acceptable		SI strongly supports the text of Council's "general approach" -the maintenance of Article 79
182-202	Controls / penalties: Arts. 84-87				
182	Title 4 – chapter 4 –		Not acceptable		It doesn't make sense

	title				
183, 211 cp1 & 283 cp1	84 (1) sub 1	Acceptable			
211cp2	84 (1) sub 3 a (new)				
184, 211cp3 and 283cp3	84 (2) point b a (new)	Acceptable			
185, 211cp3 and 283cp3	84 (3) introductory part		Not acceptable It doesn't make sense		It doesn't make sense
186, 211cp3 and 283cp3	84 (3) point c		Not acceptable		
187, 211cp3 and 283cp3	84 (3) point c a (new)	Acceptable			
188,	84 (3) point		Not acceptable		

211cp3 and 283cp3	d				
291	84 (3) a (new)		Not acceptable As it increases the range of the control sample		SI strongly rejects the suggestion to introduce a 5 % control sample for on the spot checks.
190 and 211cp6	84 (3) b (new)		Not acceptable		SI opposes that the Commission prescribes additional elements of the Conditionality System.
191 and 211cp6	84 (3) c (new)		Not acceptable		SI opposes that the Commission prescribes additional elements of the Conditionality System.
212cp1 and 293	85 (1) sub 2 introductory part	Acceptable			
212cp2 and 294	85 (1) sub 2 point b a (new)				
228	85 (2)	(a) Acceptable	(c) Not acceptable		Point (a) is acceptable if it does not interfere with the sanction mechanism / principle.
229	86(1)	Acceptable			
229	86(2)		Not acceptable		SI would prefer to keep the wording of the

					Commission proposal.
229	86(3)		Not acceptable		It imposes additional obligations on the Paying Agencies, changes the sanctioning system for repeatability, it is also disproportionate.
229	86(4)		Not acceptable		It imposes changes of the sanctioning system
202	87	Acceptable			
230	96(1)		Not acceptable		We need further clarification regarding the source for obtaining the required information.
203	100 a (new)	The proposed amendment is conditionally acceptable.			We need further clarification regarding the purpose and application of the proposed provision.
204	102(1) sub 2 point a				
205	103				