Council of the European Union
General Secretariat

Interinstitutional files:
2018/0217(COD)

Brussels, 08 December 2020

WK 12770/2020 ADD 12

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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 Luxembourg delegation

Delegations will find attached comments from the Luxembourg 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: ***Luxembourg***

AM	Article	Acceptable	Not acceptable (explain why not)	Possibly acceptable subject to re-drafting (provide drafting suggestions)	Comments
272	2(1)b		Not acceptable because of reference to article 57.		
272	2(1)c & ca-cf		Not acceptable: Reference to the SPR should be sufficient.		
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			But we would suggest to define the meaning/concept of market circumstances gravely affecting the holding.
43	3(1)b	Acceptable			
44	3(1)c	Acceptable			
45	3(1)a (new)	Acceptable			
46	6(1)	Acceptable			
47	7(1)				Maybe acceptable but text of general approach is preferred.
48	7(1)f	Acceptable			
49	7(1)h	Acceptable			
50	7 a (new)	acceptable			
273/rev	8		Not acceptable		Not necessary. Text of the general approach is preferred as article 9

					clearly defines the role of the CA.
63	9		Not acceptable		Text of the general approach is preferred
222	10 a (new)				
274	11		Not acceptable. Goes too far and unnecessary additional administrative burden and additional costs.		Text of the general approach is preferred.
74	12(1)		Not necessary to mention this again.		Text of the general approach is preferred.
75	12 a (new)		Not acceptable. Not in line with the NDM and would lead to additional administrative burden and costs.		Text of the general approach is preferred. Moreover, we would like to underline that in our opinion such provisions should anyway be cover by implementing acts instead of delegated acts!
76	14(1) sub 1	Acceptable			

77	14(1) sub 2		Not acceptable		Text of the general approach is preferred.
78	14(1) sub 2 a (new)				Perhaps acceptable but we would like to have clarifications about the purpose of this threshold. Moreover implementing acts would be preferred.
79 & 242	14(1) sub 3		Not acceptable		Text of the general approach is preferred.
80	14(2) sub -1 (new)		Not acceptable		Text of the general approach is preferred.
81	14(2) sub 1		Not acceptable		Text of the general approach is preferred.
82 & 244	14(2) sub 1 a (new)		Not acceptable		Text of the general approach is preferred.
83	14(2) sub 2		Not acceptable. We would like to keep the word "agricultural" in the text.		Text of the general approach is preferred.
84 & 247	14(2) sub 3	Acceptable			
85	15(1) sub 1	Acceptable			

86	15(1) sub 1 a (new)	Acceptable			
87	19(6)	Acceptable but unnecessary			Text of the general approach is preferred.
88	22(2)	Acceptable			
89	22(4)		Not acceptable		Text of the general approach is preferred.
90	23(1) point b	Acceptable			
91	23(1) point d	Acceptable			
92	23(2)	Acceptable			
93	29(1) sub 1 point a	Acceptable			
94	29(1) sub 1 point b	Acceptable			
95	29(3)	Acceptable			
96	29(4)	Acceptable			
97	30(1)	Acceptable			
98	30(4) point a	Acceptable			

99	31(1)		Not acceptable		Text of the general approach is preferred.
100	31(3)		Not acceptable		Text of the general approach is preferred.
101	32(1)	Acceptable			
102	32(3)	Acceptable			
103	32(4) sub 1 point a	Acceptable			
104	34(2)	Acceptable			
275	35		Not acceptable. We would like to have more detailed explanations on this proposal, as it is not very clear.		Text of the general approach is preferred.
109	37(2)	Acceptable			
110	37(3)	Acceptable			
276	38		Not acceptable		Text of the general approach is preferred.
277	38 a (new)		Not acceptable. Not in line with		Text of the general approach is preferred.

			performance based system.		
278	39		Not acceptable. Article 39 is about suspension of payments not reduction!		Text of the general approach is preferred.
279	39 a (new)		Not acceptable. Ceilings for each MS and each measure need to be respected!		
224	40		Not acceptable. Goes too far		Text of the general approach is preferred.
121	42(2) sub 2 point a	Acceptable			
122	42(3)	Acceptable			
123	43(2)	Acceptable			
124	44(1) sub 1	Acceptable			
125	44(1) sub 2	Acceptable			
126	45(1) sub 1	Acceptable			
127	46(1)	Acceptable			

282	47		Not acceptable. Not in line with the single audit principle.		Text of the general approach is preferred.
132	48(3)	Acceptable			
280	51		Not acceptable. No clear need for amendments and not in line with NDM.		Text of the general approach is preferred.
141	52		Not acceptable: see 280		Text of the general approach is preferred.
281	53		Not acceptable: see 280		Text of the general approach is preferred.
146	53 a (new		Not acceptable.		Text of the general approach is preferred.
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		Not acceptable. Not in line with the NDM.		Text of the general approach is preferred.
159	57 a (new)		Not acceptable. It is quite difficult to establish that something was in good faith. Moreover, the concept of "no one is supposed to ignore the law" should be respected.		
160	58(1) sub 2		Not acceptable. We do not see the point! Maybe some concepts are mixed up here!?		

161	58(4) sub 1 point e		Not acceptable.		Text of the general approach is preferred.
162	62(3) point a	Acceptable			
163-179	IACS: Arts. 63-73		<u>164 not acceptable</u>: A claimless system implicates that there is no application form and no prefilled or other type of application form! <u>166 not acceptable:</u> Should not figure in the basic act! <u>167 not acceptable</u>: We do not see the purpose or need of such an obligation for the Commission!		

			169 not acceptable: Already covered by the GSAA! 171 not acceptable: Already covered by article 63(4,f)! 173 not acceptable: It seems that article 67 and 68 are mixed up here!? 174 not acceptable: Already cover by other articles like article 8! 175 not acceptable: That seems to be the decision of the MS according to the concept of subsidiarity. 178 not acceptable: Should be part of		

			an implementing regulation!		
180	78(2)	Acceptable			
181	79	Acceptable			
182-202	Controls / penalties: Arts. 84-87	228 point c) acceptable	<u>211 cp2 not acceptable</u>: We just cannot put everything in the CC! <u>187, 211 cp3 et 283 cp3 not acceptable</u>: We already had that system and it simply doesn't work! <u>291 not acceptable</u>: MS should determine that on their own. <u>191 et 211 cp6 not acceptable</u>: MS should have the		

			possibility to determine that on their own. 212cp1 and 293 and 212cp2 and 294 not acceptable: CC should be in relation to the agricultural activity and related to the declared surface! 228 not acceptable: see previous point! 229 not acceptable: Rules for sanctions should be determined by MS!		
230	96(1)		Not acceptable. We think that this would lead to unnecessary administrative burden.		Text of the general approach is preferred.

203	100 a (new)	Acceptable			
204	102(1) sub 2 point a	Acceptable			
205	103		Not acceptable. Need for clarifications!		Text of the general approach is preferred.