Council of the European Union
General Secretariat

Brussels, 01 December 2020

Interinstitutional files:
2018/0217(COD)

WK 12770/2020 ADD 2

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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 Irish delegation

Delegations will find attached comments from the Irish 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: Ireland

AM	Article	Acceptable	Not acceptable (explain why not)	Possibly acceptable subject to re-drafting (provide drafting suggestions)	Comments
272	2(1)b		Not Acceptable – Ireland considers the Council General Approach text to be sufficient.		Ireland does not accept the EP text and considers the Council General Approach text to be sufficient.
272	2(1)c & ca-cf			Possibly acceptable	Ireland has some concerns over point cd 'serious deficiency'. Ireland needs to consider this further in the context of the final CPR Regulation, to assess possible implications before giving a definitive position.
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)		Not acceptable - Need to define "market circumstances gravely affecting the holding"		Ireland would like clarity on what is meant by "market circumstances gravely affecting the holding".
43	3(1)b		Not acceptable – Ireland considers the text must include 'accidental' destruction		Ireland does not accept the EP amendment i.e. to remove the word "accidental".
44	3(1)c	Acceptable			
45	3(1)a (new)	Acceptable			
46	6(1)	Acceptable			
47	7(1)	Acceptable			
48	7(1)f	Acceptable			
49	7(1)h	Acceptable			
50	7 a (new)	Acceptable			
273/rev	8		Not acceptable - Not in line with Performance reporting model		Ireland cannot accept the EP amendment. We consider that it is not in line with the performance reporting model and we have concerns in particular with paragraph 3b.
63	9	Acceptable			
222	10 a (new)	Acceptable			

274	11		Not Acceptable - Expands the role of the Certification Body beyond what is required for the clearance of accounts		Ireland does not accept the EP amendment. Ireland considers that the role of the Certification Body would be expanded beyond what is required for the clearance of accounts.
74	12(1)	Acceptable			
75	12 a (new)		Not acceptable - Would imply a dual system of assurance from performance reporting and re-performance checks		Ireland does not accept the EP amendment. Ireland considers this would imply a dual system of assurance from performance reporting and a requirement to provide assurance through legality and regularity re-performance checks.
76	14(1) sub 1	Acceptable			
77	14(1) sub 2	Not required			
78	14(1) sub 2 a (new)			Possibly acceptable	Ireland would like some clarity as to whether this article intends to set a threshold to trigger the crisis reserve?
79 & 242	14(1) sub 3		Not acceptable - Commission text ok		Ireland does not accept the EP amendment. Ireland prefers the

					Council General Approach text.
80	14(2) sub -1 (new)	Acceptable – but must be in line with MFF agreement.			Ireland can accept the EP amendment, but it must be in line with the MFF agreement.
81	14(2) sub 1		Not acceptable		Ireland does not accept the EP proposal. Ireland would have serious concerns about the crisis reserve potentially increasing to EUR 1.5bn, and the impact this could have on Direct Payments. We cannot accept this.
82 & 244	14(2) sub 1 a (new)	Acceptable			
83	14(2) sub 2		Not acceptable - More clarity in Commission text		Ireland does not accept the EP amendment. Ireland considers the Commission text provides more clarity.
84 & 247	14(2) sub 3	Acceptable			
85	15(1) sub 1		Not acceptable - More clarity in Commission text		Ireland does not accept the EP amendment. Ireland considers the Commission text provides more clarity.
86	15(1) sub 1 a (new)	Acceptable			
87	19(6)	Acceptable			

88	22(2)		Not acceptable		See comment on Amendment 165
89	22(4)		Not acceptable		See comment on Amendment 165
90	23(1) point b	Acceptable			
91	23(1) point d	Acceptable			
92	23(2)	Acceptable			
93	29(1) sub 1 point a	Acceptable - but must be in line with the agreed MFF			
94	29(1) sub 1 point b	Acceptable – but must be in line with the agreed MFF			
95	29(3)		Not acceptable		Ireland does not accept the EP amendment. Irelands prefers the Council General Approach text.
96	29(4)	Acceptable			
97	30(1)	Acceptable			
98	30(4) point a	Acceptable			
99	31(1)		Not acceptable - Existing text provides more clarity		Ireland does not accept the EP text. Ireland considers that the Council General Approach text provides more clarity.
100	31(3)		Not acceptable - Existing text		Ireland does not accept the EP text.

			provides more clarity		Ireland considers that the Council General Approach text provides more clarity.
101	32(1)	Acceptable			Ireland's preference is for N+3, we could accept EP amendment
102	32(3)	Acceptable if in line with MFF agreement			
103	32(4) sub 1 point a	Could accept the EP amendment of n+3			
104	34(2)	Acceptable			
275	35		Not acceptable - Existing text clearer		Ireland does not accept the EP text. Ireland considers the Council General Approach text is clearer.
109	37(2)		Not acceptable - Do not see as necessary		Ireland does not accept the EP text.
110	37(3)	Acceptable			
276	38		Not acceptable - Existing text clearer		Ireland does not accept the EP text. Ireland considers the Council General Approach text is clearer.
277	38 a (new)		Not acceptable - Threshold of 50% required before reductions applied in absence of justified reasons.		Ireland does not accept the 35% threshold set out in the EP text.
278	39		Not acceptable - Existing text		Ireland does not accept the EP text.

			preferable		Ireland prefers the Council General Approach text
279	39 a (new)		Not acceptable - Performance reserve not acceptable		Ireland does not accept the EP text.
224	40		Not acceptable - Existing text clearer		Ireland does not accept the EP text. Ireland considers the Council General Approach text is clearer.
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)		Not acceptable - Do not see necessity of this change		Ireland does not accept the EP text.
282	47		Not acceptable		Ireland does not accept the EP text. Ireland considers that the EP suggestion is not in the spirit of the new performance model and the single audit approach. Ireland prefers the Council General Approach text.
132	48(3)	Acceptable			
280	51		Not acceptable		Ireland does not accept the EP text,

					on the basis that Article 52 must be referenced in the context of performance clearance.
141	52		Not acceptable - Required for performance reporting		Ireland does not accept the EP text. Ireland agrees with the Council General Approach text.
281	53		Not acceptable		Ireland does not accept the EP text. Ireland considers that this is not in line with the new delivery model.
146	53 a (new		Not acceptable		Ireland does not accept the EP text. Ireland considers the text is too prescriptive and is not in line with the New Delivery Model.
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 - Details at beneficiary level contradict subsidiarity		Ireland does not accept the EP text. Ireland considers the text is too prescriptive and is not in line with

					the New Delivery Model.
159	57 a (new)		Not acceptable		Ireland does not accept the EP text. Ireland considers it's too prescriptive at beneficiary level and that Member States should be able to determine this at national level in their CAP Strategic Plan.
160	58(1) sub 2		Not acceptable		Ireland does not accept the EP text. Ireland considers the Council General Approach text to be acceptable.
161	58(4) sub 1 point e	Acceptable			
162	62(3) point a	Acceptable			
163-179	IACS: Arts. 63-73	163 – Acceptable 164 – Acceptable 167 – Acceptable 168 – Acceptable 170 – Acceptable 171 – Acceptable 172 – partially acceptable – Ireland welcomes the introduction of a	165 – not acceptable 166 -not acceptable 169 – not acceptable 173 – Not acceptable 175 – Not acceptable		Amendment 165 - Ireland does not support the addition of *'and control'*. Ireland supports the Commission wording. The 'Area Monitoring System' – if controls are included does that mean the IACS is being replaced. The AMS is part of the IACS, therefore the IACS will provide the assurance in the future and the AMS, along with

		transition period for the setting up of AMS, however our comments in relation to amendment 165 also apply. 174 – acceptable 176 – Acceptable			the GSAA, LPIS and retroactive recovery system will feed into the overall controls. The parliament text outlines that AMS will apply from 2023, while the council text allows MSs until 2024 to introduce AMS. Ireland supports the Council position and a transition period is required to allow MSs develop and implement AMS. Amendment 166 – Ireland supports the Council wording. The additional geo-spatial layers may not be available in MS's to supply this data at farm level. Ireland could accept the text if the 'shall' was changed to 'may'. If this was to be introduced MS would need a transition period to set the requirements. Amendment 167- This amendment

					has to do with the Commission's role in assisting MS's with the Integrated System i.e. 'Commission ***may or shall*** seek the assistance of specialised bodies'. Ireland can accept either option. Amendment 169 – Ireland believes this would lead to an increased administrative burden. Also how is it intended to identify a potential beneficiary? There may also be GDPR considerations here with regards to the sharing of data with a third party. Amendment 173 – see comments on amendment 165 Amendment 175 – This is specifying a control rate of 5% and moving away from the Council position. The General Approach allows for MS to decide the control

					rate. A control rate set in the Horizontal Reg would ensure a level playing field across the EU but remove the flexibility of MSs. Also how would the proposed control rate fit in with the Area Monitoring System (AMS) which will cover 100% of beneficiaries. Ireland would welcome clarification on how the proposed control rate of 5% would be implemented in MSs in association with AMS. Amendments 177-179 – Ireland considers that the proposed text on Article 73 by the EP is very unclear and requires clarification.
<u>**180**</u>	<u>**78(2)**</u>	Acceptable			
<u>**181**</u>	<u>**79**</u>		Not acceptable		Ireland does not accept the EP text. Ireland considers the Council General Approach text to be acceptable.
182-202	Controls / penalties:	182 – acceptable 183 – Acceptable			Amendment 191 – Ireland could support this amendment if the

	Arts. 84-87	184 – Acceptable 185 – Acceptable 186 – partially acceptable – see comments on amendment 165 187 – acceptable 190 – 211cp6 – acceptable 191 – partially acceptable			requirements at a & b were optional for member states, as in the current provisions. Amendment 202 - We can support the increase from 20 to 25%.
230	96(1)		Not acceptable - Would lead to an increased admin burden		Ireland does not accept the EP text. Ireland considers this would lead to an increased administrative burden.
203	100 a (new)	Acceptable			
204	102(1) sub 2 point a	Acceptable			
205	103		Not acceptable - Do not agree this Article should be deleted.		Ireland does not accept the EP text. We do not agree with this Article and consider that it should be deleted.
211cp2	84(1)(3)		Not acceptable		Ireland does not support the inclusion of working and employment conditions in relation

					to conditionality. The relevance is unclear.
294	85		Not acceptable		See amendment 211cp2
188	84(3)(d)		Not acceptable		See amendment 291
291	84(3)(a) new		Not acceptable		Ireland does not support the proposed increase in the control rate from 1% to 5%. The current control rate is 1%, this proposed increase would mean a five fold increase in the number of on the spot checks annually and would have a huge impact on the administrative burden of the competent authority. No context or background has been provided for such a significant increase.
212cp2 & 293	85(1)(2)		Not acceptable		Not acceptable as per comments on amendment 211cp2
212cp2 & 294	85(1)(2)(b)a new		Not acceptable		Not acceptable as per comments at 211cp2.
228	85(2)	Acceptable			
229	86		Not acceptable 86(2)		86(2) The issues that merit an early warning are minor non-compliances. Furthermore as per the requirement of the early

					warning system the relevant authority shall notify the beneficiary and outline the proposed corrective action. Therefore training for minor non compliances (e.g. single tags) is not warranted and would be an excessive admin burden and have little benefit as the issue has already been rectified by the farmer. It would be more appropriate to consider mandatory training for serious non compliances. 86(3) We currently utilise a multiplication factor by 3 (1%*3, 3%*3, 5%*3) up to a max of 15%. 'As a general rule' gives MS more flexibility to set up a penalty system for reoccurrence. Ireland can accept as a 'general rule 10%' for reoccurrence on the understanding that 'as a general rule' implies that the % may be reduced or increased following an

					assessment of the non-compliance. We can accept the introduction of 'intentionally' been linked to repeat reoccurrence. Finally we can also accept in the case of intentional a reduction of at least 15 %