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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 Spanish delegation

Delegations will find attached comments from the Spanish 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: SPAIN

AM	Article	Acceptable	Not acceptable (explain why not)	Possibly acceptable subject to re-drafting (provide drafting suggestions)	Comments
272	2(1)b				
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)	Yes			
43	3(1)b	Yes			

44	3(1)c	Yes			
45	3(1)a (new)	Yes			
46	6(1)	Yes			
47	7(1)	Yes			
48	7(1)f				
49	7(1)h				

50	7		We can´t support a new article for the Competent Authority. We support the Council proposal.		

273/rev	8		We do not accept the amendment because the coordinating bodies are eliminated in the title of the article. And we disagree with to add mentions about regions. We prefer the Council proposal.		
63	9		We disagree with the deletion of article 9.		

222	10 a (new)		We disagree to add a new article on the Coordinating bodies. We prefer the Council proposal Not acceptable The last paragraph is a contradiction between the article 8.3b (summary of controls) and the article 11.1 where lays down the scope of the opinion of the certification body (CB) that no provides the summary of controls. The scope of the opinion of the CB must be established in the article 11. In addition is not clear what is the scope of the opinion of the CB on the summary of audit reports and the controls concerning the article 8.3.b, neither is considered necessary to make any additional work on the CB opinion. Until now it is provided in the management declaration		

274	11.1 and 11.1.c 11.1.d 11.2	Yes	Cannot accepted this paragraph for the indicated reasons in the comments column. **Cannot be accepted** The article11 establishes the CB must make its work according the international audit standars, wich provide the external experts recruitment in those cases that would be necessary and the associated transparency to these operations (path of audit).	We propose the deletion of the following sentence: if *the expenditure for the measures laid down in* ***Regulation (EU)…/…(Regulation on the Strategic Plan), Regulation (EU) No228/2013, Regulation (EU) No 229/2013 and Regulation (EU) 1144/2014 for which reimbursement has been requested is legal and regular.*** *Regarding the corresponding expenditures to the established measures in the Regulation on the Strategic Plan must be maintain only the reference to the cumpliment to article 35 of the Regulation*	We agree to designate a public certification body at the national level to be responsible for coordination. We consider that it undermines the spirit of the Reform designed by the Commission, where to the intervention types provides in the Strategic Plan Regulation are going to value the produces. The article 35 on the Commission proposal already lays down that the expenditures will be eligible if they are made according the regulation.

			The CB already makes audit work even more of the strictly financial. The objectives and indicators are laid down in the Regulation on the Strategic Plan, in the own Regulation and in the working documents of the Commission		

74	12(1)		Cannot be considered. We support the Council proposal.		
75	12 a (new)		Cannot be considered a new article. We support the Council proposal and the implementation acts instead of delegated acts.		
76	14(1) sub 1				
77	14(1) sub 2		Cannot be considered. We support the Council proposal.		
78	14(1) sub 2 a (new)		We disagree. We prefer implementation acts instead of delegation acts		
79 & 242	14(1) sub 3		Cannot be considered. We support the Council proposal.		
80	14(2) sub -1 (new)		This amendment is linked to the MFF that it has already established 450 MEUR.		

81	14(2) sub 1	We accept the 2nd subparagraph of amendment.	We do not accept to establish a ceiling of EUR 1500 million for the perioc 2021-2027. It has to be respected what has been agreed by the European Council Conclusions on the MFF.		
82 & 244	14(2) sub 1	We accept the amendment on the prior use of the revenues assigned to the EAGF and margins available.			

	a (new)				
83	14(2) sub 2				
84 & 247	14(2) sub 3		We do not accept and we prefer the Council proposal because it is in line with MFF.		
85	15(1) sub 1	We can accept this amendment as it is a way to improve the support to the outermost regions of the Union.			
86	15(1) sub 1 a (new)	We can accept as it includes the application to the beneficiaries over EUR 2000.			
87	19(6)		We do not accept due to it is not necessary to go through the Agricultural Funds Committee because slows down management.		
88	22(2)		Cannot be accepted due to the fact that the monitoring system not necessarily must be used for area control (see amendment 165).		

89	22(4)		Can not be accepted due to the fact that the monitoring system not necessarily must be used for area control (see amendment 165).		
90	23(1) point b				
91	23(1) point d				
92	23(2)	Yes			
93	29(1) sub 1 point a		In principle we would be in favour of the amendmet, however, the prefinancing percentages has been established in the point 95 of the European Council Conclusions on the MFF, maintaining the 1% of the Commission proposal.		

94	29(1) sub 1 point b		In principle we would be in favour of the amendmet, however, the prefinancing percentages has been established in the point 95 of the European Council Conclusions on the MFF, maintaining the 1% of the Commission proposal.		
95	29(3)		We do not accept the amendment. The prefinancing of the EAFRD must be independent of an eventual transfer between pillars just as the former programming		
96	29(4)		We do not accept the amendment. According to the article 7 of the CAP Strategic Plan Regulation proposal, there is only a National Strategic Plan by Member state. There is no the possibility of Regional Plans neither programmes with		
97	30(1)		We do not accept the amendment.The same response of Amendment 96		
98	30(4) point		We do not accept the amendment. We consider more correct the word "contribution" instead of "co-		

	a				
99	31(1)		We do not accept to change the denomination to annual clearance report instead of annual performance report, according to the CAP Strategic Plan. The annual performance report and the annual clearance report are two clearances procedures and not only one.		
100	31(3)		We do not accept to change the denomination to annual clearance report instead of annual performance report, according to the CAP Strategic Plan. The annual performance report and the annual clearance report are two clearances procedures		
101	32(1)		In principle we woud be in favour of this amendment. However, the automatic decommitment has been established in the point 97 of the European Council Conclusions on the MFF, maintaining the N+2 of the Commission proposal		
102	32(3)		We do not accept the amendment. The same reason of amendment 101.		

103	32(4) sub 1 point a		We do not accept the amendment. The same reponse of Amendment 101.		
104	34(2)				
275	35				
109	37(2)	Yes			
110	37(3)	Yes			
276	38				
277	38 a (new)		We disagree with a new article 38 bis. We prefer the Council proposal		
278	39		We cannot accept the 25% threshold for submitting justifications. It should be increased to f more than 45% from the respective milestone for financial year 2025 and 35% for financial year 2027, We prefer the Council proposal		
279	39 a (new)		We do not accept a new article 39bis.		
224	40		We do not accept it. We prefer implementation acts.		
121	42(2) sub 2 point a	Accepted due it includes POSEI in the payments advances.			

122	42(3)	Accepted due it includes more regimes where advanced payments can be made.			
123	43(2)	Yes			
124	44(1) sub 1		Not accepted. We prefer the Council proposal.		
125	44(1) sub 2		Not accepted. We prefer the Council proposal.		

126	45(1) sub 1				
127	46(1)				
282	47		We disagree because It does not go in line with the single audit so we prefer the Council proposal		
132	48(3)				
280	51				
141	52		We do not accept the deletion of the text. We support the Commission proposal to differentiate the two types of clearances that are different: accounts and performance.		
281	53				
146	53 a (new)		Cannot be accepted due to it introduces the 50/50 rule that is detrimental for the financial interests of the Member states and for the simplification administrative process. Although we do not any problem with the		

147	54(1)	Yes			
148	54(1 a) (new)	Can be accepted as it includes the off-setting of the amount resulting from recovery of undue payment as in the article 56 of the Council proposal. This amendment mentions the recovery of debt from future payments simplifying the management of the off- setting use.			
149	55(1) sub 1	Yes			
150	55(1) sub 2		Can be accepted the first part (calculation of interest) but not the rest.		
151	55(1) sub 2 a (new)	Can be accepted (is another type of offsetting procedure as the one established by the Council).			

152	55(1) sub 2 b (new)	Can be accepted (is another type of offsetting procedure as the one established by the Council).			
226	57		Cannot be accepted, because of includes at the level of beneficiaries to check the legality and regularity of operations financed by the Funds. And we cannot be accepted the paragraph 4 because nowadays there is a procedure about that.		
159	57 a (new)	Yes			
160	58(1) sub 2		We do not accept the amendment. Samples may not be necessary. Could not be considered a part of risk or aleatory. It´s depends on the design of the interventions		
161	58(4) sub 1 Point e				

162	62(3) point a	Yes			
163	Art 63	Yes			
164					
165	Art 64		Cannot be accepted due to the fact that the monitoring system not necessarily must be used for area control.		
166	Art 64				
167	Art 64	Yes			
168	Art 65				
169	Art 65	Yes			
170	Art 67				
171	Art 67				
172	Art 68		Cannot be accepted. The concept of "control" is included in the article 70.		
173	Art 68		Cannot be accepted. The concept of "control" is included in the article 70.		
227	Art 69				
174	Art 70		Cannot be accepted. It is limiting the subsidiarity to the Member states design their control system. Especially if checks by monitoring are implemented, there are no on-		

174	Art 70		Cannot be accepted. It is limiting the subsidiarity to the Member states design their control system.		
175	Art 70		Cannot be accepted. It is limiting the subsidiarity to the Member states design their control system.		
176	Art 70 (2)		Cannot be accepted		
177			Cannot be accepted. We prefer the council proposal using implementing acts.		
178			The wording in point b.i. Cannot be accepted due to the fact that the monitoring system not necessarily must be used for area control (see amendment 165).		
179			Cannot be accepted. We prefer the council proposal using implementing acts.		
180	78(2)	Yes			
181	79	Yes			If the specific function is suppressed it looks like reasonable that this article would be deleted. On the contrary case we would not accept the amendment.

182	Art 84	No	Cannot be accepted. The proposal includes a new concept in the conditionality framework, the sustainable development, and this chapter is only related on controls.		
183	Art 84	Yes			
211cp2	Art 84	No	It cannot be accepted, as it cannot be made responsible for the control it would entail in the CAP control system. It would mean a burden on costs and work for controllers who are not trained to do so. It is the responsibility of labour inspectors		
184	Art 84(2)	No	Cannot be accepted. It is a definition that not provides that the recurrence have to be in the temporary period of 3 years; currently is in a delegated act.		
185	Art 84	Yes			
186	Art 84	No	Cannot be accepted due to the fact that the monitoring system not necessarily must be used for area control.		
187	Art 84(3)	No	Cannot be accepted. The use of the early warning system should be voluntary for the Member States.		

188	Art 84(3)	No	Cannot be accepted. These minimum control aspects need to appear in order to implement common cross-compliance in all Member States. Maintain the Commission text		
291	Art 84	No	Cannot be accepted. Cross-compliance is a system of standards that all farmers have to comply with without receiving aid in return. Raising controls from the current rates would increase the costs for Member States to verify all aspects of the reinforced cross-compliance	The Member States establish the control sample for the checks referred to in paragraph 3(a) of this Article to be to be carried out annually on the basis of of a risk analysis, to which they will be able to apply weighting factors and a random element, and will ensure that that the control sample covers the less than **1%** of the beneficiaries of the aid provided for in Title III, Chapter I, Section 2 of the Regulation (EU) .../... [Regulation on the CAP strategy].	
190	Art 84(3)	yes	Can be accepted if it is an implementing act and not a delegated act.		
191	Art 84(3)	No	Cannot be accepted. It is limiting the subsidiarity to the Member states in the design of their control system.		

212cp1 y 293	Art 85	No	Cannot be accepted. There are only two conditions so the wording is correct, as we are against Amendment 212cp2		
212cp2 y294	Art 85	No	Cannot be accepted. The verification of these items cannot be carried out to a cross-compliance control		
228	Art 85	yes			
229	Art 86	No	2 Implementation of the Early Warning System should be optional for Member States. Against specific training on cross compliance. .3 In the event of a recurrence of excessive sanction, it should be 3 times the previously established sanction .4 Against setting sanctions for intentionality, as they are difficult to determine		
202	Art 87	yes			
230	96(1)				
203	100 a (new)		Cannot be accepted. We prefer the Council proposal.		
204	102(1) sub 2 point a				
205	103				