Council of the European Union
General Secretariat

Brussels, 04 December 2020

Interinstitutional files:
2018/0217(COD)

WK 12770/2020 ADD 7

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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 Finnish delegation

Delegations will find attached comments from the Finnish 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: Finland

VN/20133/2020-MMM-3

AM	Article	Acceptable	Not acceptable (explain why not)	Possibly acceptable subject to re-drafting (provide drafting suggestions)	Comments
272	2(1)b		x		Council GA clearer
272	2(1)c & ca-cf		x		Leader and SCOs have clear conncention to CPR, but otherwise we have questions, where this would lead to. All needed definitions shoud be in CAP

					Regulations. 2(ca) not in line with NDM
39	3(1) -a (new)	x			General comment: When this list is not exhaustive, why include terms which are not clear and without definition (meteorological, plant pest)
40	3(1)a				meteorological event?
41	3(1)a point a (new)	x			
42	3(1)a point b (new)				Unclear, when market circ. can be FM
43	3(1)b	x			
44	3(1)c				Plant pest is what?
45	3(1)a (new)				No need for case by case assessment?
46	6(1)				The impact of inclusion of TA?
47	7(1)				How to distinguish between MSs with high

					costs, many PAs and others?
48	7(1)f	x			
49	7(1)h	x			
50	7 a (new)	x			
273/rev	8		Partly	(b) ~~an annual summary of the final audit reports and of controls carried out, including their outcome and~~ an analysis of the nature and extent of errors and weaknesses identified in systems by audit and controls, as well as corrective action taken or planned, as provided for in point (b) of Article 63(5) of the Financial Regulation;	Control summaries are not in line with the NDM
63	9	x			
222	10 a (new)	x			
274	11				Point 2 - How to find CB with that kind of experience?
74	12(1)	x			
75	12 a (new)		Partly	Implementing act for (1) d)-e and (2) a-b – too technical rules for DA and MS involvement is needed.	In line with NDM?

76	14(1) sub 1	If in line with Council GA			
77	14(1) sub 2	If in line with Council GA			
78	14(1) sub 2 a (new)				
79 & 242	14(1) sub 3	If in line with Council GA			
80	14(2) sub -1 (new)		x	Has to be in line with Council GA.	
81	14(2) sub 1	If in line with Council GA			
82 & 244	14(2) sub 1 a (new)	x			
83	14(2) sub 2	x			
84 & 247	14(2) sub 3		x	In addition: Transitional period changes the years.	
85	15(1) sub 1		x	R 228/2013 and 229/2013 and 5(2)f are not included	

86	15(1) sub 1 a (new)	x			
87	19(6)				Is procedure of A 101 really needed? Neutral
88	22(2)				What controls means in relation to AMS is not clear
89	22(4)				What controls means in relation to AMS is not clear
90	23(1) point b	x			
91	23(1) point d	x			
92	23(2)				Effects to AMS?
93	29(1) sub 1 point a		x		Not in line with Council GA
94	29(1) sub 1 point b		x		Not in line with Council GA
95	29(3)		x		Not in line with Council GA

96	29(4)				If we have 1 CP, and MS delivers the money to parties inside that CP, what is the need for this amendment?
97	30(1)				If we have 1 CP, and MS delivers the money to parties inside that CP, what is the need for this amendment?
98	30(4) point a		x		Contribution=co-financing?
99	31(1)	x			Annual performance report/annual performance clearance. We prefer the APR, because we are already used to that. However, the name of the report

					is not big issue, but the consistency using the names must be in order.
100	31(3)	x			-"-
101	32(1)		x		Not in line with Council GA
102	32(3)		x		-"-
103	32(4) sub 1 point a		x		-"-
104	34(2)	x			
275	35		x		Not in line with NDM
109	37(2)	x			
110	37(3)	x			
276	38		x		What is meant with data? Not in line with NDM
277	38 a (new)		x		Not in line with NDM
278	39		x		-"-
279	39 a (new)		x		Not in line with NDM. Would lead to low

					targets? Where to use the money at the end of CAP SPs? Needs of Agricultural Reserve?
224	40		DA not acceptable		Highly detailed
121	42(2) sub 2 point a	x			
122	42(3)	x			
123	43(2)	x			
124	44(1) sub 1	x			
125	44(1) sub 2	x			
126	45(1) sub 1	x			
127	46(1)		x		Reasons why you can't rely on the work of CB is important.
282	47		x		Not in line with NDM
132	48(3)	x			
280	51				Not in line with NDM
141	52				Not in line with NDM
281	53		x	Second and third para of Art. 53(1) can't be deleted. DA not acceptable.	

146	53 a (new	Partly			
147	54(1)	x			
148	54(1 a) (new)	x			
149	55(1) sub 1	x			
150	55(1) sub 2	x			
151	55(1) sub 2 a (new)	x			
152	55(1) sub 2 b (new)	x			
226	57		X	Legality and regularity at the level of beneficiaries – in line with NDM?	How much work will the complaints mechanism cause for MS? Its scope seems to be exceptionally wide (incl. public tenders etc.).
159	57 a (new)			Good faith is not easy to determine and should be deleted	In line with AMS (area monitoring) remarks, warnings?
160	58(1) sub 2		x	Not in line with the NDM, but if these kind of rules are included in the "unwritten rules", better to write down.	

161	58(4) sub 1 point e	x			
162	62(3) point a	x			
163-179	IACS: Arts. 63-73		Partly	Art. 64 and 68: More information needed about AMS (There is no information where this amendment would lead to conc. The amount of RFVs etc. thus not possible to give opinion.) Art. 64 (GIS-layer for EFAs etc), 69 (fraud-groups), 70(1a) (5% control sample) and 73 (1)(b) (DA) not acceptable. We support subsidiarity (which was promised), but discussion with CION has shown that the CION thinks that old rules are the best and MS should put those in the CP. If we have to follow old rules, those should be at Union level	Art. 69 is duplicate for Art. 96 and concerns only IACS. 70(1a) not in line with the NDM.
180	78(2)	x			
181	79	x			
182-202	Controls / penalties:	Acceptable: Amendment 182:	Not acceptable:	Amendment 228: Article 85 - paragraph 2: **The compromise text could be the following:**	If Amendment 182 was accepted, the similar

	Conditionality Arts. 84-87	Title 4 – chapter 4 – title Amendments 185, 211cp3 and 283cp3: Article 84 – paragraph 3 – introductory part Amendments 186, 211cp3 and 283cp3: Article 84 – paragraph 3 – point c Amendment 202: Article 87 – paragraph 1	Amendments 183, 211cp1 and 283cp1: Article 84 – paragraph 1 – subparagraph 1 Amendment 211cp2: Article 84 - paragraph 1 - subparagraph 3 a (new) Amendments 184, 211cp3 and 283cp3: Article 84 – paragraph 2 – point b a (new) (This cannot be accepted because the time	**2.** In their penalty systems referred to in paragraph 1, Member States: (a) shall include rules on the application of administrative penalties in cases where **the agricultural land** is transferred during the calendar year concerned or the years concerned. These rules shall be based on a fair and equitable attribution of the liability for non-compliances among transferors and transferees; For the purpose of this point, 'transfer' means any type of transaction whereby the agricultural land ceases to be at the disposal of the transferor. (b) may decide, notwithstanding paragraph 1, not to apply a penalty per beneficiary and per calendar year when the amount of the penalty is EUR ~~100~~**250** or less. **The beneficiary shall be informed** about the finding and the obligation to take remedial action ~~shall be notified to the beneficiary~~ **for the future**;	change should be made also in the Strategic Plan Regulation. The amendments marked “not acceptable” are not acceptable because the Council's proposal is better.

			limit has not been said. It should be three previous years as nowadays in the early warning system.) Amendments 187, 211cp3 and 283cp3: Article 84 – paragraph 3 – point c a (new) Amendments 188, 211cp3 and 283cp3: Article 84 – paragraph 3 – point d	c) shall provide that no administrative penalty be imposed i) where the non-compliance is due to force majeure **<u>or exceptional circumstances as set out in Article 3.</u>** **<u>(ii) where the non-compliance is due to an error of the competent authority or another authority, and where the error could not reasonably have been detected by the person concerned by the administrative penalty;</u>** **<u>(iii) where the person concerned can demonstrate to the satisfaction of the competent authority that he or she is not at fault for the non-compliance with the obligations referred to in paragraph 1 or if the competent authority is otherwise satisfied that the person concerned is not at fault.</u>** *Justification: The same text as in Article 57(3), (the second paragraph) should be added.* *It is quite similar to Parliament's proposal, but more precise, and it contains exceptional circumstances, as in the Council's position.*	

			Amendment 291: Article 84 – paragraph 3 a (new) Amendments 190 and 211cp6: Article 84 – paragraph 3 b (new) Amendments 191 and 211cp6: Article 84 – paragraph 3 c (new) Amendments 212cp1 and 293:		

			Article 85 – paragraph 1 – subparagraph 2 – introductory part Amendments 212cp2 and 294: Article 85 – paragraph 1 – subparagraph 2 – point b a (new) Amendment 228: Article 85 - paragraph 2 (see compromise proposal) Amendment 229:		

			Article 86		
230	96(1)		x		Who will check that the information given by the beneficiary and published is correct?
203	100 a (new)	x			If DA is fast enough?
204	102(1) sub 2 point a				What is Article 26(5)?
205	103				Not clear