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WORKING PAPER

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From:	General Secretariat of the Council
To:	Working Party on Horizontal Agricultural Questions (CAP Reform)
N° Cion doc.:	9634/18 + COR 1 + ADD 1
Subject:	Proposal for a Regulation on the financing, management and monitoring of the CAP (Presidency drafting suggestions on Articles 63-73 and 84-87) - Comments from the Belgian delegation

Delegations will find attached the comments from the Belgian delegation on the Presidency's drafting suggestions on the abovementioned Articles, issued on 27 November 2019 as part of the consolidated Presidency drafting suggestions on the Horizontal Regulation (14465/19).

1. HZR Art. 64

At this stage, it is very hard to tell when the monitoring system could be in place and this makes it necessary to continue the discussion on the implementation of the area monitoring system. Indeed, more information is needed about the (minimal) requirements and the (minimal) scope of the area monitoring system. Today, many problems still need to be solved (monitoring of small parcels, ...). There is currently no experience about the area monitoring system as described in the non-paper and which has a broader scope than the current checks by monitoring. Besides, there is no experience of using monitoring for the new schemes of the new CAP (ex: eco-schemes), which have not yet been designed by the MS. The non-paper describes different possible uses of the area monitoring system but the basic features are not known yet. For all these reasons, a reasonable period of implementation needs to be provided. It is however difficult to set a number of years as the minimal requirements are not known yet.

2. HZR Art. 65

With regard to the storage of data for 7 years, it is necessary to clarify which data will have to be stored because this will be at a cost to the EM. A lot of data will be available and besides the time aspect, it is also important to clarify which data are needed for storage and what is meant by raw data.

3. HZR Art. 72

What is the impact of the deletion of 'definitions and basic features' in the description for the DA? This description is still too vague.

4. HZR Art. 85(1)

Where the area monitoring system used to carry out checks as referred to in point (c) of Article 84(3) of this Regulation reveals findings relevant for requirements or standards, the competent authorities may decide to apply administrative penalties only to beneficiaries selected for on-the-spot checks in accordance with point (d) of Article 84 (3).

This provision creates an uneven level playing field between Member States but also an unequal treatment of farmers with the same error. We are not in favour of such an exception.

5. HZR Art. 86(2)

(2) The amendment to delete the early warning system and replace it by this new provision is good.

(3a) It is important that there is a system for intentional non-compliance or non-compliance with grave consequences, so that you can apply a higher reduction. No preference is given to one of the two possibilities but a system is needed for higher reductions.

“...the percentage reduction shall be higher than...” is too vague to guarantee a level playing field across Member States.

