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CONTRIBUTION

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Regulation establishing the conditions for the implementation of Union support under the CAP - Comments from Sweden on outstanding issues

Written comments from SE delegation on outstanding issues in the CAP proposal

Block 7

Article 2b, paragraph 5, point b: Regarding payments where agricultural activity is not performed due to EU-commitments or obligations, SE is of the opinion that it should be voluntary to pay support also in these cases, i.e. regardless of whether the activity has ceased due to national or EU obligations. It can be difficult to monitor the land over a long period of time, and furthermore the level of environmental support needs to be reduced when the area is eligible for DABIS. Also, it can be difficult to distinguish between EU and national requirements when the basis for national requirements is EU-legislation on water, soil or biodiversity.

5. (b) **if Member States so decide**, areas for which support was provided under interventions referred to in Article 5(1) points (a) and (g) [degressive income support, small farmers] of this Regulation, [...]

Article 20h, paragraphs 3. (c) and 4. (d): We would like to ensure that the proposed wording allows MS to limit the CAP-network's activity to the CAP Regulation only.

Article 20l, paragraph 1: SE would propose to delete the word “annually” as we maintain that the QA should not have to be conducted annually per default.

1. Member States shall **annually** assess the quality of the elements of the integrated system referred to in paragraph 3, points (a), (b) and (c) of Article 70 of Regulation (EU) [...] [NRP], in accordance with the methodology set up at Union level. [...]

Furthermore, we support that the Commission cannot use the results from the QA as grounds for corrections. At the same time, we wouldn't like to limit the use of the QA results to the benefit of MS, not least as regards audit processes, in order to lower the correction amount and for calculating the residual misstatement in the management declaration. As the text stands now, we see a risk that the use of QA results for the benefit of MS may be restricted, which we would like to avoid. The following could be a way to avoid this:

1. [...] The assessment report shall not form a basis for suspension of payments or calculation of financial corrections under Article 67 or 68 respectively, of Regulation (EU) [...] [NRP] **unless requested by the Member State.**

Blocks 1-6

Article 3, paragraph 7: We propose to clarify that exemptions from protective practices should be limited in terms of agricultural area (not geographical area in general).

7. [...] Those specific exemptions shall be limited in terms of their agricultural area coverage [...].

Article 10, paragraph 1. (a): We propose to add "if applicable" before "other beneficiaries" to clarify that it is only mandatory to target farmers.

1. (a) management commitments taken undertaken by farmers and, if applicable, other beneficiaries,

Article 20, paragraph 4: We think it is important that Member States do not have to ensure impartiality and qualification as regards advisory services that are not benefiting from CAP-support and therefore propose the addition of “under this article” in the second sentence:

4. Member States shall ensure that farmers and where relevant forest holders or other rural actors have direct access to advisers, such as by providing public databases of advisers. Member States shall ensure that the advice provided under this Article is impartial, and that advisers are suitably qualified and free from conflict of interest.

Points that we will likely raise in SCA

Article 2b, paragraph 2: Regarding the definition of active farmer, we would like the definition to be voluntary for MS. Otherwise we see a risk of burdensome administration without any real added value. SE would prefer that the definition (when applied) only applies to DABIS and the small farmer payment (if applied), but we could accept the scope proposed by the Presidency. In our opinion it should be possible for MS to choose to apply the definition also to other interventions, which would give us the possibility to apply it to the small farmer scheme if needed and also accommodate the need from other MS. We propose to add “costs of farming” to the list of criteria that could be included in the assessment, to our understanding this is not in conflict with WTO-rules.

Article 20k, paragraph 2: After discussions with the Commission, we are concerned that the proposed wording (*Where paragraph 1 is applied, the relevant competent authority shall exchange the data and control results of the non-compliances with the CAP paying agency at least once a year*) will not allow MS to limit the exchange of data to enforceable decisions only (as is the case for social conditionality under current rules and was the case in the Commission’s original proposal). We would very much appreciate if the flexibility extended to MS could include also the possibility for MS to limit the data that should be exchanged. This would be even more important, should social conditionality be reintroduced during the trilogues.

Article 20k, paragraph 4: The general rule for penalty, i.e. 3%, is a severe penalty because it concerns the total amount of the payments the farmer receives. That is why there is room for moderation and lowering the reductions, for example to 1 %. Member States should be given the option to reduce the level of sanctions in cases where they use the area monitoring system or carry out 100 per cent checks.

LV proposal regarding protective practices (Article 3 and Annex I, part C): We share LV's concern regarding "including" and we can support their proposal.

