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WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Horizontal Agricultural Questions (CAP Reform)
N° Cion doc.:	9645/18 + COR 1 + ADD 1
Subject:	Proposal for a Regulation on CAP Strategic Plans - Presidency drafting suggestions - Comments from the Spanish delegation

Delegations will find attached the comments from the Spanish delegation on the Presidency drafting suggestions set out in WK 3635/2020.

CAP STRATEGIC PLANS REGULATION

When proposing a drafting suggestion, please copy the Commission's proposed text and make the changes visible (in bold/strikethrough or other equivalent manner).

If the proposed changes concern only a specific part of an article/recital (e.g. an individual letter/indent), please do not copy the full article but only the concerned part.

Please always provide a rationale for drafting suggestions in the "Comments" column.

DATE	MEMBER STATE
<p>April 2020</p>	<p>SPAIN</p> <p>Presidency's drafting suggestions on the following articles of the abovementioned proposal: 3, 7, 40a, 41, 41a, 55, 60a, 63, 65, 74, 86, 86a (new), 87, 88, 91, 97, 99, 107, 115 and 120.</p> <ul style="list-style-type: none"> • Simplify the system of indicators • Single percentage for enviromental and climate-related interventions

TITLE I: SUBJECT MATTER AND SCOPE, APPLICABLE PROVISIONS AND DEFINITIONS

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 3	(ja) 'forecasted values' means pre-established values for a specific financial year expected to be reached at a given point in time and at the end of the CAP Strategic Plan period used for the monitoring of implementation in relation to the result indicators which are not used for performance review used for the monitoring of implementation;	For the sake of clarity, it should be stated in the definition that forecast values are used only for monitoring purposes and not for performance review.

TITLE II: OBJECTIVES AND INDICATORS

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 7		

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<p><i>Paragraph 1</i></p>	<p>(b) result indicators relating to the specific objectives concerned and used for the establishment of quantified either milestones and targets or forecasted values in relation to those specific objectives in the CAP Strategic Plans and assessing progress towards the targets or monitoring of implementation.. The indicators relating to environment and climate-specific objectives may cover interventions included in relevant national environmental and climate planning instruments emanating from the Union legislation listed in Annex XI;</p> <p>(...)</p>	<p>In 1(b), result indicators used for monitoring of implementation should be mentioned in this article, and not only those used for performance review.</p>
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Chapter III: Sectorial types of interventions

Section 1: General provisions

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 40a		ES supports PRES proposal
Article 41a *		ES supports PRES proposal

Section 5: The hops sector

Article 55		ES supports PRES proposal
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Section 5: Other sectors

Article 60		
Paragraph 1	(b) cooperatives, as well as other forms of cooperation between producers, that have been recognised by the competent authority of the Member State as producer groups in accordance with paragraph 3, for a transitional period of up to four years from the start of an approved operational program ending on 31 December 2027 at the latest.	
Paragraph 2	2. Producer groups referred to in point (b) of paragraph 1, shall, in addition to an operational program, draw up and submit a recognition plan. The recognition plan shall set activities and targets to ensure the progress towards obtaining recognition as producer organisation by the end of the transitional period referred to in point (b) of paragraph 1 at the latest. The support granted to a producer group that is not recognised as a producer organisation by the end of the transitional period shall be subject to recovery.	We agree with the Commission that producer organizations are one of the tools to promote cooperation between producers and to improve producer position in the value chain. However, this tool is difficult to implement in certain sectors. Then, individual producers of sectors under certain difficulties must be also beneficiaries in this article. As a result of this,

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		both fruit and vegetables and wine sectors must be included in letter f) of article 39.
<i>Paragraph 3</i>	<p>3. For the purpose of this Article, in one or more sectors from among those referred to in point (f) of Article 39, Member States may, on request, recognise producer groups, referred to in point (b) of paragraph 1, constituted at the initiative of producers and controlled by them. The producer group shall have the objective of fulfilling, within the transitional period referred to in point (b) of paragraph 1, the requirements laid down in Articles 152 to 154 or 161 of Regulation (EU) No 1308/2013 for recognition as producer organisations. Member States shall determine the activities, objectives and the recognition requirements for the producer groups to ensure that these producer groups meet the objective of obtaining recognition as producer organisations under Regulation (EU) No 1308/2013. 29</p>	<p>In addition, interbranch organisations should be also included as a form of cooperation that could benefit from this article.</p> <p>On the other hand, Spain does not support the obligation of implementing a recognition plan for cooperatives and other forms of cooperation and does not support the obligation of reimburse the support received in case that the producer group has not been recognized as producer organization.</p>
<i>Artículo 63</i>		ES supports PRES proposal

TITLE III: CHAPTER IV: TYPES OF INTERVENTIONS FOR RURAL DEVELOPMENT

GENERAL COMMENTS

Section 1: Types of interventions

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 65		ES supports PRES proposal

Section 2: Elements applying to several types of interventions

Article 73		ES supports PRES proposal
Article 74		ES supports PRES proposal
Article 78		ES supports PRES proposal

TITLE IV: FINANCIAL PROVISIONS

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 86		
<i>Paragraph 2</i>		ES supports PRES proposal

Article 86a	<u>Interventions contributing to environmental and climate-related objectives</u>	
	<p>1. For the purpose of determining the contribution towards the percentage set out in Article 86(2), Member States shall include the following types of interventions and their specific weightings differentiated on the basis of whether the support makes a significant or a moderate contribution towards one or more of the environmental and climate-related objectives set out in points (d), (e) and (f) of Article 6:</p> <ul style="list-style-type: none"> i. 100% for expenditure under the schemes for the climate and the environment, referred to in Article 28; ii. 100% for expenditure for environmental and climate-related management commitments, referred to in Article 65; iii. 100% for expenditure for area-specific disadvantages resulting from certain mandatory requirements, referred to in Article 67; iv. 100% for expenditure under the types of interventions in the apiculture sector, referred to in Article 49; v. a 100% for expenditure under these types of interventions referred to in Article 41 b for the fruit and vegetables sector relating to environmental and climate objectives ; vi. 40% for basic income support for sustainability, referred to in Article 17; vii. 40% for the expenditure under the Basic Income Support for Sustainability and the Complementary Income Support referred to in Title III, Chapter II, section II, subsections 2 and 3; viii. 40% for expenditure for natural or other area-specific constraints referred to in Article 66. <p>2. For other types of interventions than those referred to in paragraph 1, Member States may include in their calculation expenditure for the interventions which exclusively contribute towards the environmental and climate-related objectives.</p>	<p>We agree with the percentages established for the interventions mentioned and with the inclusion of the BISS and ANC with a contribution of 40%, in accordance with the percentage established in article 87.</p> <p>vii) Nevertheless, we consider that, according to article 87.2.a), payments complementary to BISS, should be taken into account with the same weighting (40%) in the case of interventions related to environmental and climate-related objectives (art. 86.a). In the specific caso of CRISS, there would also be a discriminatory treatment between MS applying CRISS and those which are not. These payments are: payment for small farmers, redistributive and payment for young farmers. (vii) .</p> <p>v) Furthermore, we consider that interventions exclusively related to environmental and climate objectives in the FRUIT AND VEGETABLE SECTOR should also be included, as they are specifically defined for these environmental and climate objectives under Article 41(b), and are also mandatory under Article 44(7)(a).</p> <p>For the other type of interventions not mentioned in paragraph 1, we can accept to only include those contributing exclusively towards the environmental and climate-related objectives as this could simplify the procedure and guarantee uniform application throughout the EU. However, our acceptance</p>

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		would be contingent on the single percentage determined on paragraph 2 of article 86.
Artículo 87		ES supports PRES proposal
Artículo 88		ES supports PRES proposal

TITLE V: CAP STRATEGIC PLAN

Chapter I: General requirements

PRESIDENCY PROPOSAL	DRAFTING SUGGESTIONS	COMMENTS
Article 91		
	<p>(...) Based on the SWOT analysis referred to in Article 103(2) and an assessment of needs referred to in Article 96, Member States shall establish in the CAP Strategic Plans an intervention strategy as referred to in Article 97 in which relevant quantitative targets and milestones shall be set to achieve the relevant specific objectives set out to in Article 6. The targets shall be defined set using at least a common set of result indicators set out in Annex XII.</p> <p>For each specific objective, at least one result indicator set out in Annex XII shall be used. For each result indicator it shall be established either milestones and targets in accordance with the previous paragraph, or forecasted values in accordance with Article 3(ja), depending on whether the result indicator is used for performance review or monitoring the implementation, respectively.</p>	The text added is for clarification, as we consider that the formulation proposed could be misleading.

Chapter II: Content of the CAP Strategic Plan

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 96		ES supports PRES proposal
Article 97		

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<i>Paragraph 1</i>	(aa) forecasted values for each result indicator used for the monitoring of implementation. Those forecasted values shall be justified in view of the assessment of needs referred to in Article 96;	(aa) If forecasted values are only need for monitoring purposes, they do not need to be justified in view of the assessment of needs.
Article 99	<p>(da) for the purpose of performance review, at least one result indicator to which the intervention contributes among those set out in Annex I, ensuring that for each specific objective:</p> <ul style="list-style-type: none"> i. at least one intervention contributes to a result indicator for the purpose of performance review ii. at least one intervention contributes to a result indicator set out in Annex XII <p>(f) <u>at least one output indicator or, where applicable, one monitoring indicator,</u> and the annual planned outputs for the intervention, and where relevant, a breakdown per uniform or average unit amount of support;</p>	The text added is for clarification, as we consider that the formulation proposed could be misleading. Member States should provide the Commission with Annex XII indicators. However, not every intervention requires to contribute to a result indicator set out in Annex XII when at least other intervention established for the same specific objective does it.

Chapter III: Approval and amendment of the CAP Strategic Plan

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 107		ES supports PRES proposal

TITLE VII: MONITORING, REPORTING AND EVALUATION

GENERAL COMMENTS

Chapter I: Performance framework

PRESIDENCY PROPOSAL	SPAIN DRAFTING SUGGESTIONS (in red)	COMMENTS
Article 115		ES supports PRES proposal
Article 120		ES supports PRES proposal