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WORKING PAPER

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NOTE

From:	Presidency
To:	Delegations
N° Cion doc.:	9634/18 + COR1 + ADD1
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 - Articles 65 (data storage period) and 68 (AMS transitional period)

With a view to the meeting of the Special Committee on Agriculture on 19 April 2021, delegations will find in the Annex a background note from the Presidency on Articles 65 and 68 of the Horizontal Regulation (HZR). Delegations will be invited to provide comments on these issues, which the Presidency shall take into account in the further inter-institutional negotiations on the HZR.

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1. Data keeping and sharing

Article 65 requires Member States to record and keep any data and documentation in the context of the annual performance clearance and the reporting of progress towards the targets as set out in the CAP Strategic Plan.

The Commission proposes in Art. 65(1) (Line 617) that the data and documentation shall remain accessible for consultation through the Member States' digital databases for a period of 10 years, as is currently the case.

The Council proposes to reduce that period to 7 years. In addition, however, the Council proposes that raw data, kept on a server external to the competent authorities, shall be kept for at least 3 years (Line 617a).

The Commission and the Parliament share the view that the data and documentation kept in the digital databases of the competent authority of the Member State should be kept for 10 years.

This position was maintained in Trilogue on 25 March, with the additional argument put forward that this period is the one established for all funds, not only for agricultural funds.

In line 617a, the position of the Commission and the Parliament is the same, i.e. raw data shall be also kept on the server for 10 years.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 65(1), second subparagraph				
617	The data and documentation referred to in the first subparagraph relating to the current calendar year or marketing year and to the previous ten calendar years or marketing years shall be accessible for	The data and documentation referred to in the first subparagraph relating to the current calendar year or marketing year and to the previous ten calendar years or marketing years shall be accessible for	The data and documentation referred to in the first subparagraph relating to the current calendar year or marketing year and to the previous ten seven calendar years or marketing years shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consultation through the digital databases of the competent authority of the Member State.	consultation through the digital databases of the competent authority of the Member State. <u><i>The relevant information from the databases may also be provided in the form of summaries.</i></u>	accessible for consultation through the digital databases of the competent authority of the Member State.	
Article 65(1), second subparagraph a				
617 a			Data used for the area monitoring system may be stored as raw data on a server external to the competent authorities. Those data shall be kept on the server for at least three years.	

2. Setting up the Area Monitoring System

In Article 64 on the Elements of the integrated system, the Council proposes in paragraph 1 (Line 607) that "*as from 1 January 2024 at the latest*", that integrated system should comprise an area monitoring system.

In Article 68 on the Area monitoring system, the EP proposes in paragraph 1 (Line 643) that the Commission "*may grant a transitional period for setting up the area monitoring system to Member States that have not recently used such an area monitoring system*".

A possible compromise solution could be that an area monitoring system should be put in place as from 1 January 2023 and it would cover selected interventions/measures. This would allow for a progressive implementation towards a full use of the system from 1 January 2024. Secondary legislation will set out criteria for the progressive implementation of the area monitoring system.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 64(1), point(c)				
607	(c) an area monitoring system;	(c) an area monitoring <u>and control</u> system;	(c) as from 1 January 2024 at the latest an area monitoring system;	
Article 68(1)				
643	1. Member States shall set up and operate an area monitoring system.	1. Member States shall set up and operate an area monitoring <u>and control</u> system. <u>On duly justified grounds, the Commission may grant a transitional period for setting up the area monitoring and control system to Member States that have not recently used such an area monitoring and control system.</u>		