

Common agricultural policy (CAP): support schemes for farmers, voluntary modulation of direct payments; alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2010/0372(COD) - 22/12/2010 - Legislative proposal

PURPOSE: to align the powers conferred on the Commission under Regulation (EC) No 378/2007 to Articles 290 and 291 TFEU as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

LEGAL BASE: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND : The Treaty on the Functioning of the European Union (TFEU) makes a distinction between the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act as laid down in Article 290(1) of the Treaty (delegated acts), and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article 291(2) of the Treaty (implementing acts).

In the case of delegated acts, the legislator delegates to the Commission the power to adopt quasi-legislative acts. In the case of implementing acts, the context is very different. Indeed, Member States are primarily responsible for the implementation of legally binding acts of the EU. However, if the application of the legislative act requires uniform conditions for its implementation the Commission is authorised to adopt these acts.

Furthermore, Council Regulation (EC) No 378/2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 confers powers on the Commission in order to implement some of the provisions of that Regulation.

As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 378/2007 upon the Commission need to be aligned to Articles 290 and 291 TFEU. The alignment of Regulation (EC) No 378/2007 to the new rules of the Treaty is based on a classification on the basis of the new philosophy of the current Commission implementing powers. The classification has shown that all powers conferred to the Commission by this regulation are to adopt implementing acts.

IMPACT ASSESSMENT: no impact assessment was carried out.

CONTENT : the main provisions of this proposal are as follows:

- in order to ensure the efficient implementation of voluntary modulation the Commission is empowered , by means of implementing acts, to fix the net amounts resulting from the application of voluntary modulation. Given the nature of the implementing acts envisaged, the Commission should adopt those acts without the assistance of a committee;
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for the same reason the Commission is empowered to adopt implementing acts with the assistance of the Rural Development Committee established by Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) to ensure the integration of voluntary modulation in the rural development programming;

- furthermore, the Commission is empowered to adopt implementing acts with the assistance of the Committee on the Agricultural funds established by Council Regulation (EC) 1290/2005 on the financing of the common agricultural policy, to ensure the financial management of voluntary modulation.

BUDGETARY IMPLICATION: the measure does not involve any additional Union expenditure.