Agricultural holdings: network for the collection of accountancy data on the incomes and business operation; Commission delegated and implementing powers

2011/0416(COD) - 07/12/2011 - Legislative proposal

PURPOSE: to align Council Regulation (EC) No 1217/2009 on setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community with the new rules of the TFEU (Commission's powers under delegated and implementing acts.)

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

BACKGROUND: the Treaty on the Functioning of the European Union (TFEU) makes a distinction between:

- powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, as laid down in Article 290 (1) TFEU (delegated acts);

- and on the other hand, powers conferred on the Commission to adopt uniform conditions for implementing legally binding Union acts, as laid down in Article 291(2) TFEU (implementing acts).

It is to necessary identify the powers conferred on the Commission by Council Regulation (EC) No 1217 /2009 and to classify them as delegated or implementing powers in accordance with Articles 290 and 290 of the Treaty on the Functioning of the European Union.

IMPACT ASSESSMENT: since the proposal to align Council Regulation (EC) No 1217/2009 to the Lisbon Treaty is an inter-institutional matter that will concern all Council Regulations, there was no need for an impact assessment.

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

CONTENT: the proposal aims to identify the delegated and implementing powers of the Commission in Council Regulation (EC) No 1217/2009 and establish the corresponding procedure for adoption of these acts.

The Commission will be empowered to adopt delegated acts in respect of: (i) the establishment of the list of divisions per Member State, (ii) the determination of the threshold for the economic size and the number of returning holdings per division, (iii) the adoption of further rules on the qualification of returning holdings, (iv) the determination of the further content of the plan for the selection of returning holdings, (v) the adoption of further rules on the activities of Member States' National Committees for the data network, (vi) the adoption of further rules on the tasks of Member States' liaison agencies, and the adoption of rules on the accountancy data to be included in the farm return.

Implementing powers will be conferred on the Commission in respect of the adoption of rules on the standard fee in the Farm Accountancy Data Network (FADN).

Furthermore, for the sake of simplification and in the light of the experience gained with the application of Regulation (EC) No 1217/2009 some of the provisions of that Regulation will be adapted or deleted. In particular, reports based on FADN data need no longer be submitted annually to the European Parliament and the Council for the annual fixing of prices of agricultural produce. The current provision that reports shall be submitted annually to the European Parliament and the Council is therefore obsolete.

However, in order to provide convenient access to the data and reports based on FADN to other institutions as well as to the public such information should be published on a **public website.**

BUDGETARY IMPLICATIONS: this measure does not involve any additional Union expenditure.