

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) - 16/11/2011 - Final act

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

LEGISLATIVE ACT: Regulation (EU) No 1231/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy.

CONTENT: the Council adopted a regulation amending regulation 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the CAP following a first-reading agreement with the European Parliament.

This amended regulation aligns the provisions of regulation 378/2007 on the Lisbon Treaty which makes a distinction between the powers delegated to the Commission. Provided that only two Member States are covered by this regulation, the powers conferred on the Commission are classified as implementing acts covering the adoption of uniform conditions for implementing legally binding UE acts (as laid down in article 291(2) of the Treaty).

The Commission should, by means of implementing acts and, given their special nature, acting without the application of Regulation (EU) No 182/2011, fix the net amounts resulting from the application of voluntary modulation. The implementing powers relating to the adoption of specific provisions for:

- the integration of voluntary modulation in the rural development programming and;
- the financial management of voluntary modulation should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

The modulation concerns the compulsory transfer of a proportion of direct payments to farmers made under the CAP from agricultural market support (Pillar 1) to rural development (Pillar 2). The scope of the amended regulation is the "voluntary modulation" which is the system allowing certain Member States to modulate direct payments to farmers at a rate over and above that of the compulsory EU-wide modulation scheme. However, it should be noted that the substance of the regulation stays untouched by the amendment which entails only procedural changes.

ENTRY INTO FORCE: 28/12/2012.