Basic information

2010/0267(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Common agricultural policy CAP: common rules for support schemes for farmers **Subject** 3.10.14 Support for producers and premiums	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AGRI Agriculture and Rural Development	DE CASTRO Paolo (S&D)	27/10/2010
	Shadow rapporteur MAYER Hans-Peter (PPE) LYON George (ALDE)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3042	2010-10-26

European Commission

Commission DG	Commissioner
Agriculture and Rural Development	CIOLOŞ Dacian

Key events

Date	Event	Reference	Summary
		COM(2010)0539	Summary

30/09/2010	Legislative proposal published		
19/10/2010	Committee referral announced in Parliament, 1st reading		
26/10/2010	Debate in Council		Summary
12/04/2011	Vote in committee, 1st reading		
20/04/2011	Committee report tabled for plenary, 1st reading	A7-0158/2011	Summary
03/07/2012	Debate in Parliament		
04/07/2012	Decision by Parliament, 1st reading	T7-0278/2012	Summary
04/07/2012	Results of vote in Parliament		
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2010/0267(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 042-p1 Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AGRI/7/04094

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE458.769	23/02/2011	
Amendments tabled in committee		PE460.972	23/03/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0158/2011	20/04/2011	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0278/2012	04/07/2012	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0539	30/09/2010	Summary
Commission response to text adopted in plenary	SP(2012)627	19/09/2012	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	DE_BUNDESRAT	COM(2010)0539	29/11/2010	
Contribution	PT_PARLIAMENT	COM(2010)0539	01/12/2010	
Contribution	RO_CHAMBER	COM(2010)0539	03/12/2010	
Contribution	RO_SENATE	COM(2010)0539	03/12/2010	
Contribution	IT_SENATE	COM(2010)0539	22/12/2010	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Common agricultural policy CAP: common rules for support schemes for farmers

2010/0267(COD) - 30/09/2010 - Legislative proposal

PURPOSE: to amend Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers in order to align it with the Lisbon Treaty and to implement a number simplification proposals.

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

BACKGROUND: Council Regulation (EC) No 73/2009 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 73/2009 upon the Commission need to be aligned to Articles 290 (delegated acts) and 291 (implementing acts) of the Treaty on the Functioning of the European Union (TFEU).

IMPACT ASSESSMENT: an impact assessment is not needed since the proposal to align Council Regulation (EC) No 73/2009 to the Lisbon Treaty is an inter-institutional matter that will concern all Council Regulations. The amendments aiming at simplification are of limited scope and purely technical nature.

LEGAL BASE: Article 43 of the Treaty on the Functioning of the European Union.

CONTENT: the proposal identifies the delegated and implementing powers of the Commission in Council Regulation (EC) No 73/2009 and establishes the corresponding procedure for adoption of these acts. In addition, it makes the following points:

Simplification: in the light of the experience gained with the application of Regulation (EC) No 73/2009 some of the provisions of that Regulation will be simplified, particularly regarding cross compliance requirements.

Definitions:for reasons of legal certainty and clarity the proposal provides definitions of 'arable land', 'permanent crops', 'permanent pasture' and 'grassland'.

Declaration: the proposal provides for the possibility for Member States not to require the declaration of all the agricultural areas of their holding for farmers with a total area of the holding lower than 1 hectare. It can be assumed that the proposed possibility for Member States to exempt farmers not applying for area-related payments and declaring less than 1 hectare from the requirement of an area declaration will mainly concern livestock producers without any eligible land to apply for area-related payments. The number of farmers which could be affected is difficult to foresee, but it can be assumed that it will be limited, keeping in mind the continued decoupling of livestock payments and transfer to area related payments.

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

Common agricultural policy CAP: common rules for support schemes for farmers

2010/0267(COD) - 20/04/2011 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Agriculture and Rural Development adopted the report drafted by Paolo DE CASTRO (S&D, IT) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.

It recommends that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, should amend the Commission proposal as follows:

Delegated and implementing powers of the Commission: following the recent conclusion of a Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE), as well as the conclusion of the procedure on the Regulation of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, Members propose an updated version of the legal text, including the wording agreed to by Parliament and Council, as well as with regards to other conditions of the delegation (period of delegation, timeframe for objecting to a delegated act, extension of that period, committee procedure, etc.).

The committee suggests the modification of **annexes**, formal condition of modifying a non-essential element of the basic act. The Commission may adopt, by means of **delegated** acts, measures which are both necessary and duly justified to resolve, in an emergency, practical and specific problems.

Implementing acts: the Commission should, by means of implementing acts, approve the granting of certain specific support, decide which Member States fulfil certain conditions regarding suckler cow premium and authorise new Member States to complement, subject to certain conditions, any direct payments. Given the special nature of those acts, the Commission should be empowered to adopt them without the assistance of the Committee for Direct Payments.

Financial discipline mechanism: Members consider that the procedure defined in Article 11 of Regulation 73/2009 (regarding the financial discipline mechanism) may no longer be applied without the involvement of the European Parliament, in light of the Lisbon Treaty provisions on the Common Agricultural Policy and the budgetary procedure. Maintaining Article 11 unchanged - with the Council acting on a proposal from the Commission - would constitute a continuation of the reservation of Council's implementing powers under the former Article 202 EC. However, the report considers that in the new legislative context, this reservation of implementing powers for the Council is no longer justified in the new legislative framework.

Reductions and exclusions in case of non-compliance: Members consider that the Commission's proposals in this area are insufficient and still involve a need to carry out 100% follow-up on-the-spot checks. The follow-up on-the-spot checks in the cases of minor infringements lead to a significant increase in the number of compulsory on-the-spot checks. Thereby it creates a significant administrative burden. That is why it is important to abolish the obligation to carry out follow-up controls in the cases of minor infringements; this will reduce the administrative burden.

Common agricultural policy CAP: common rules for support schemes for farmers

2010/0267(COD) - 26/10/2010

The Council was briefed on the two following proposals in the light of the adaptation to the Lisbon Treaty:

- A proposal amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);
- A proposal amending Regulation (EC) No 73/2009 on direct support schemes for farmers under the CAP.

These proposals also contain a number of simplification provisions, which follow up on the assessment by the Commission services of the 39 simplification proposals presented by Member States in 2009.

Many delegations expressed the view that alignment of agricultural legislation with the Lisbon Treaty was a complex issue, which required further clarification by the Commission and an in-depth analysis by Member States' experts. As regards the proposed simplification provisions, those were generally welcomed. Several delegations, however, were disappointed that the proposals did not go far enough. They reiterated suggestions for further simplification and urged the Commission to continue its efforts.

These Commission proposals intend to reshape Commission implementing powers in CAP-related legislation and bring them into line with the provisions of the Lisbon Treaty (49 basic acts are concerned). The proposed amendments classify the Commission's existing powers as either delegated or implementing powers.

Simplification elements in the proposal amending regulation (EC) n° 73/2009 concern follow-up controls on minor infringements relating to cross-compliance and the exemption from the obligation to lodge an area declaration for small areas (less than 1 ha).

These proposals will be examined by the Council preparatory bodies.

Common agricultural policy CAP: common rules for support schemes for farmers

2010/0267(COD) - 04/07/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 648 votes to 27, with 11 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.

Parliament's position adopted at first reading, under the ordinary legislative procedure, amends the Commission proposal as follows:

Delegated and implementing powers of the Commission: following the recent conclusion of a Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE), as well as the conclusion of the procedure on the Regulation of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, Parliament proposes an updated version of the legal text, including the wording agreed to by Parliament and Council, as well as with regards to other conditions of the delegation (period of delegation, timeframe for objecting to a delegated act, extension of that period, committee procedure, etc.).

Parliament suggests the modification of **annexes**, formal condition of modifying a non-essential element of the basic act. The Commission may adopt, by means of **delegated** acts, measures which are both necessary and duly justified to resolve, in an emergency, practical and specific problems.

The delegated act shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. A delegated act shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Implementing acts: the Commission should, by means of implementing acts, approve the granting of certain specific support, decide which Member States fulfil certain conditions regarding suckler cow premium and authorise new Member States to complement, subject to certain conditions, any direct payments. Given the special nature of those acts, the Commission should be empowered to adopt them without the assistance of the Committee for Direct Payments.

Financial discipline mechanism: Parliament considers that the procedure defined in Article 11 of Regulation 73/2009 (regarding the financial discipline mechanism) may no longer be applied without the involvement of the European Parliament, in light of the Lisbon Treaty provisions on the Common Agricultural Policy and the budgetary procedure. Maintaining Article 11 unchanged - with the Council acting on a proposal from the Commission - would constitute a continuation of the reservation of Council's implementing powers under the former Article 202 EC. However, the resolution considers that in the new legislative context, this reservation of implementing powers for the Council is no longer justified in the new legislative framework.

Reductions and exclusions in case of non-compliance: Parliament considers that the Commission's proposals in this area are insufficient and still involve a need to carry out 100% follow-up on-the-spot checks. The follow-up on-the-spot checks in the cases of minor infringements lead to a significant increase in the number of compulsory on-the-spot checks. Thereby it creates a significant administrative burden. That is why it is important to abolish the obligation to carry out follow-up controls in the cases of minor infringements; this will reduce the administrative burden.

Lastly, the Member States shall adopt rules to establish the calculation of the producer's average annual production.